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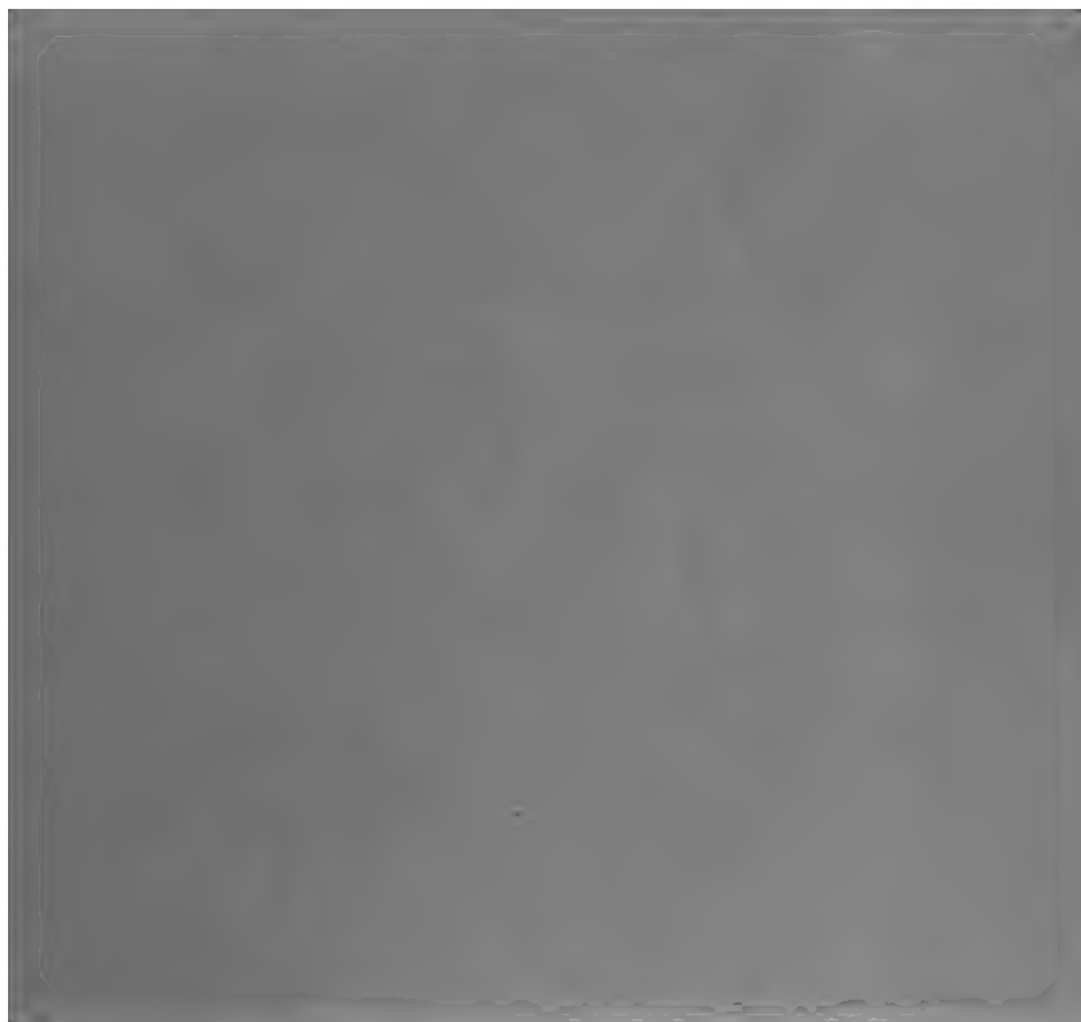
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# **SUPPLEMENT**

**TO THE**

# **American Journal of International Law**

## **VOLUME 11**

## **1917**

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**OFFICIAL DOCUMENTS**

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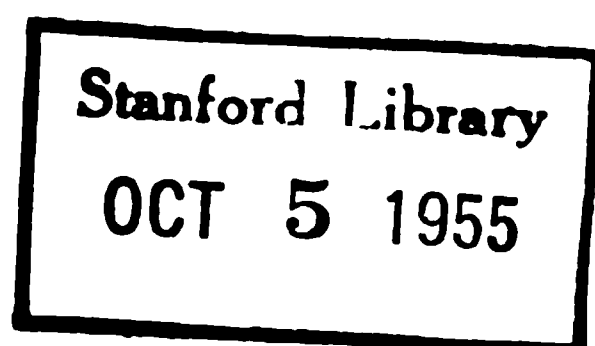
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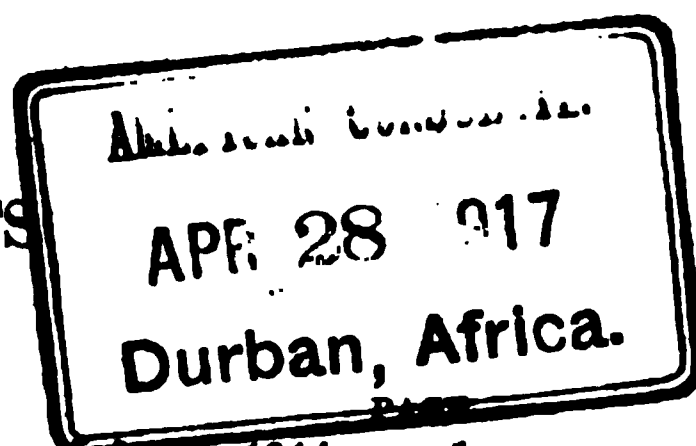
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### TREATY BETWEEN THE UNITED STATES AND BRAZIL FOR THE ADVANCEMENT OF PEACE<sup>1</sup>

*Signed at Washington, July 24, 1914; ratifications exchanged  
October 28, 1916*

THE Governments of the United States of America and of Brazil being desirous of giving another manifestation of the old friendship that binds the two countries together, and being united in the purpose of promoting the progress of civilization through peace, have resolved to enter into a special treaty for the amicable settlement of any future difficulties which may arise between the two countries, and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America, Mr. William Jennings Bryan, Secretary of State; and

The President of the United States of Brazil, Mr. Domicio da Gama, Ambassador Extraordinary and Plenipotentiary;

Who, duly authorized, have agreed upon the following articles:

ARTICLE I. The two high contracting parties agree to submit to a Permanent International Commission, for investigation and report, all disputes that may arise between them concerning questions of an international character which cannot be solved by direct diplomatic negotiation, and which are not embraced by the terms of any treaty of arbitration in force between them; and they agree not to declare war or to begin hostilities pending the investigation and report of said commission.

ARTICLE II. The commission mentioned in the preceding article shall be composed of five members each appointed for five years, as follows: Each government shall designate two members, only one of whom shall be of its own nationality. The fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not belong to any of the nationalities already represented in the commission.

The fifth member shall perform the duties of president.

<sup>1</sup> U. S. Treaty Series, No. 627.

Either contracting party may remove at any time, before investigation begins, any commissioner selected by it, appointing his successor on the same occasion. Likewise, each Government shall also have the right to withdraw its approval of the fifth member; in which case the new fifth member will be appointed within thirty days following the notification of the withdrawal, by common agreement between the two Governments, and failing this agreement the President of the Swiss Confederation shall be requested to make the appointment.

The expenses of the commission shall be paid by the two Governments in equal proportions.

The commission shall be constituted and shall be ready for business within six months after the exchange of ratifications of the present treaty.

At the expiration of each period of five years, the commissioners may be reappointed or others may be substituted for them.

Any vacancy shall be filled in the same manner as the original appointment.

The commission shall make its own rules of procedure.

ARTICLE III. In the case of failure to agree upon the diplomatic solution of a dispute concerning a question of an international character, the two high contracting parties shall submit it to said commission for investigation and report. The convocation of the commission may be made by either contracting Government. The commission shall by preference sit in the country in which there are the greater facilities for the study of the question, and the high contracting parties shall furnish all the means to that end. The report of the commission shall be presented within a year counted from the date at which the commission shall declare that its work is begun, unless a prolongation of the time shall be accorded by both parties. This report, which is purely advisory and does not bind the contracting parties as to the question at issue, shall be prepared in triplicate, each Government being furnished with a copy and the third kept in the files of the commission.

ARTICLE IV. After presentation of the report to both Governments six months' time will be given to renewed negotiations in order to bring about a solution of the question in view of the findings of said report; and if after this new term both Governments should be unable to reach a friendly arrangement, they will proceed to submit



the dispute to arbitration under the terms of the convention in force between them, if such convention covers the question or questions investigated.

ARTICLE V. The present treaty shall be ratified by the two high contracting parties according to their national constitutions, and the ratifications shall be exchanged as soon as possible. It shall take effect immediately after the exchange of ratifications and shall continue in force for a period of five years, and it shall thereafter remain in force until twelve months after one of the two high contracting parties have given notice to the other of an intention to terminate it.

The strict and honest fulfillment of the foregoing clauses is entrusted to the honor of the signatory nations.

In witness whereof, the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in Washington, on the 24th day of July, in the year nineteen hundred and fourteen.

WILLIAM JENNINGS BRYAN [SEAL.]  
DOMICIO DA GAMA [SEAL.]

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NOTE ADDRESSED BY THE CENTRAL AMERICAN COURT OF JUSTICE TO  
THE GOVERNMENTS OF COSTA RICA, EL SALVADOR, HONDURAS AND  
GUATEMALA.<sup>1</sup>

## CENTRAL AMERICAN COURT OF JUSTICE

SAN JOSE, COSTA RICA, *November 9, 1916.*

MR. MINISTER:

I have the honor to inform Your Excellency that the office in my charge, in obedience to instructions from the Court, has this day addressed to the Governments of Guatemala, Honduras and El Salvador the following communication:

Central American Court of Justice. — San Jose, C. R., November 9th, 1916. — Mr. Minister: The office under my charge, in fulfillment of the duty imposed thereon by Article 56 of the Ordinance of Pro-

<sup>1</sup> Translated from the *Official Gazette* of Costa Rica, No. 113. Year XXXVIII, of November 12, 1916.

cedure of the Central American Court of Justice, hereby, in due course, communicates to Your Excellency's Government and to the other Governments of Central America the decision rendered on the 30th of September last by the Court on the complaint brought by the Government of the Republic of Costa Rica against the Government of the Republic of Nicaragua.

On the 17th of October last this office, in obedience to instructions, transmitted telegraphically, by way of a report, to the Governments of Costa Rica, Guatemala, Honduras and El Salvador the telegraphic despatch addressed to the Court by the Department of Foreign Relations of Nicaragua, in which, after acknowledging the notification of the decision referred to, it protests against the decision and declares that its Government is not disposed to abide by it.

On the same date, and in the same form, this office transmitted to those same Governments copies of the message which, in the name of the Court, it addressed to the Government of Nicaragua, making the observations suggested by Article 14 of the Rules of the Court; and I have now the honor to hand Your Excellency copies of the documents referred to as well as the final reply of the Nicaraguan Government wherein it reiterates its resolution not to abide by the decision of the Court.

The Court, Your Excellency, must this day fulfill its last duty in this case in compliance with the provisions prescribed in the final part of the Ordinance of Procedure, and for the purposes set forth in Article 14 of the organic convention; and, as the Nicaraguan Foreign Office states in its final message the reasons on which it bases its action in rejecting the decision rendered, the Court has instructed me to present for the consideration of Your Excellency's illustrious Government a brief analysis of the arguments whereby the decision is impugned, which arguments in fact constitute grave charges against the Court, imputing, as they do, violations of its organic law, breaches of international law, contradictions in its decisions and even inferred affronts to the Republic of Nicaragua.

A single reading of the Central American pacts subscribed at Washington, of the Cañas-Jerez Treaty and the Cleveland Award, on which instruments the Court relied for support in reaching its decision, will suffice to discredit the imputations and charges referred to; nevertheless the Court must not retreat before the moral obligation resting upon it to insist still more, if this be possible, upon the

justice of its acts in order that its honor and prestige may be held stainless.

The Government of Nicaragua says that:

It does not, and cannot, admit the unrestricted power that the Court arrogates to itself to take cognizance of all the differences that may arise between the Central American States, because nothing that affects the sovereignty and integrity of the five republics is involved in the treaty stipulations; because no nation on earth would submit to the arbitrament of strangers, its security and preservation; and because the powers actually conferred upon the Court do not extend to controversies that arose prior to the conventions.

In such round declarations — patently at variance with the clear, precise and positive terms prescribed in the very first articles of the convention that instituted the Court and the General Treaty of Peace and Amity signed at Washington on the 20th of December, 1907 — does the Nicaraguan Government seek to demonstrate that the litigation instituted by Costa Rica is outside the jurisdiction and competence of the Court — a pretense maintained by that Government before even the complaint was admitted.

It must be evident, then, that if this strange reasoning were to find support among the other governments signatory to the Treaties of Washington, then at once, and perhaps forever, would be effaced an institution that now stands as the worthiest conquest of civilization, one of which the Central American States have been justly boastful and for which they have well merited the applause and admiration of the whole world, and this commendation has been expressed by the most eminent statesmen of Europe and the Americas, who have all agreed that the form of arbitration adopted by those countries, in creating the Central American Court of Justice, is obligatory, absolute, and unrestricted with respect to the nature and origin of the questions that may be submitted to that Court, and conditioned solely on the fact that in each case the respective foreign offices have been unable to reach a settlement.

Don Francisco Jose Urrutia, ex-minister of Foreign Relations of Colombia, commenting in his Department *Bulletin* No. 7, on the Central American pacts of 1907, said:

The Central American Court of Justice, in the form established by the pacts we are studying, will give reality to an ideal that has not been reached by the three Pan American Conferences or even the Hague Conferences. To that tribunal are submitted, *without restriction*, all controversies or questions that may arise between

the contracting parties, whatever their nature and whatever their origin. This is international arbitration in its amplest form, arbitration such as could not be established in Mexico in 1902, nor in Rio de Janeiro in 1906, arbitration without the restrictions and reservations that characterized the Hague Convention for the Pacific Settlement of International Conflicts.

The above authoritative opinion is the same as that which has been maintained on all occasions by the Central American statesmen who have heaped eulogies on the Court in the belief that its creation signified a giant's stride forward in the evolution of our institutions and not a weak compromise in primitive idea heretofore dominant in arbitration propaganda. And even if Article 1 of the convention above cited were not so clear and conclusive, but still required interpretation, resort could be had to the illuminating report made to the Nicaraguan Government by its delegates to the Conferences at Washington, in which the article referred to is commented on in the following language:

Article I fixes the permanent character of the Court of Justice and the principal object of its jurisdiction, which is to take cognizance of all questions that arise between the Central American Governments *without a single exception*.

And there is also the telegraphic report rendered to his Government by His Excellency the Ambassador of the United States of Mexico, Mr. Creel, who took part in the Conferences of Washington, as the delegate of his country, in the character of mediator and who said in that report:

The Permanent Court of Justice will decide all international questions, *without exception*, and will be the first tribunal possessing that highest of jurisdictions to be organized on earth. I congratulate the President and Minister of Foreign Relations for their friendly mediation in this great work of peace and concord.

And worthy of note also, because demonstrating how far opinion has gone in holding as indisputable the unrestricted jurisdiction of the Central American Court of Justice, is the fact that the justice from Nicaragua himself, notwithstanding his negative vote on nearly all the points presented in the questionnaire, in his answer to the sixth question — "Is it the duty of the Court to declare its competence to take cognizance of and decide this cause on the merits?" — stated that he voted affirmatively "only in so far as the merits relate to differences between the Government of Costa Rica and the Government of Nicaragua."

It will be seen, then, that no one has been of the opinion that customary limitations in the conclusion of international arbitral conventions were retained in negotiating these memorable conventions — pacts that consecrated obligatory judicial arbitration in form more ample and unrestricted than any heretofore adopted in the history of the world.

Now, therefore, can the Government of Nicaragua demand the exclusion from the cognizance of the Court of questions that affect sovereignty or that arise on a state of facts antedating the conclusion of the Treaties of Washington? The Treaties of Washington are not impressed with those limitations, either expressly or tacitly; and hence they cannot be justly relied on in support of statements manifestly contrary to the clear, precise, and conclusive texts of those pacts.

The Government of Nicaragua, with no basis in justice, affirms that the Court

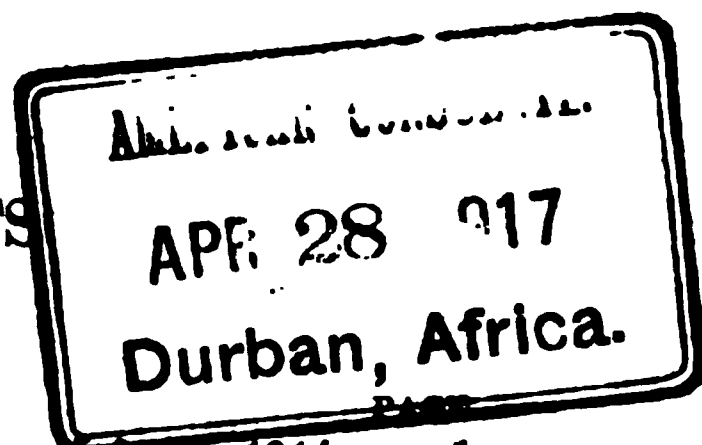
has reviewed or attempted to review an arbitral award accepted in its entirety by the parties, thus seeking to revive questions that have stood definitively decided for a long time past. This is apparent in the last decision, in which it is sought to revive the old question of boundaries, by interpreting the Cleveland Award in order to establish contrarily to the clear text of that award, a co-proprietorship or co-ownership by the two countries over Salinas and San Juan del Norte Bays that never existed.

It must be remembered right here, however, that the complaint of which the Court took cognizance had for its sole ground the conclusion by the Nicaraguan Government of a treaty for an interoceanic canal across its territory without first consulting the Government of Costa Rica, and that the treaty was signed in 1915, that is, eight years after the conclusion of the Treaties of Washington. If in the general consideration of that ground of complaint, and in fulfillment of its unavoidable duty, the Court inquired into the spirit and scope of the Cañas-Jerez Treaty which, incidentally, was held to be valid in all its parts and made clear by the Cleveland Award — both being documents invoked by the complainant as proof of the rights set up by that party — such action signifies nothing more than the exercise of a judicial function properly pertaining to the Court; for, those documents being, as they are, impressed with the character of laws of the land regulative of the juridical relations between Costa Rica and Nicaragua, it was the Court's unavoidable duty to rely on them and apply them justly to the point at issue.

Thus, in affirming the existence of the juridical fact relating to



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acted in strict justice in holding concretely that the negotiations of 1913 and 1915 entered into by Nicaragua respecting an interoceanic canal (one broken off and the other consummated) are two steps of a single transaction that is impugned by Costa Rica, and that, consequently, the diplomatic moves towards a settlement, initiated in 1913, for the breaking off of which she was in no way to blame, had the desired effect, with respect to the Bryan-Chamorro Treaty, in giving to the Court the competency indispensable to the cognizance of the cause when the controversy was brought before it.

The contradiction which the Nicaraguan Foreign Office believes to have found between the act of May 1st that admitted the complaint of Costa Rica and that of September 6th that admitted the complaint of El Salvador, is only seeming contradiction, for the Foreign Office, for the purpose of demonstrating its assertion, reproduces only the citation of an interpretation made by the Court in 1908 in deciding the complaint of Honduras, and omits the reasons assigned in the preamble to which it pertains.

The citation had for its object to show that, according to the precedent adopted by the Court in 1908, and according to provisions of the Rules of Court and Ordinances of Procedure that interpret and make applicable Article I of the convention, the Court must "judge in each case that comes before it whether the complainant state has or has not taken steps through diplomatic channels, since it is not possible to apply a fixed and inflexible criterion in all classes of matters."

The citation was also intended to show that Article I of the convention does not establish the unalterable condition that steps of the kind mentioned must be *undertaken and exhausted*; but this must not be taken as indicating that the Court holds in the case of Costa Rica's complaint that such steps were not necessary, for the case there presented was not one of "war declared or in operation," such as is provided for in Article 17 of the Rules and 6 of the Ordinance.

The principal ground on which rested the admission of Costa Rica's complaint, according to the act of May 1st, is to be found in the preamble, paragraph 4, which reads as follows: "That with reference to the requirement that the states must resort to diplomatic parleys or discussions, as prerequisites to judicial action, to the end that an amicable settlement may be reached, the Court finds, from the facts so far presented, that *the requirement has been fulfilled*,"



and the Court thereupon proceeded forthwith to set forth its reasons for that declaration.

The act of September 6 that admitted the complaint of El Salvador, says in substance: That clause I of the convention fixes the jurisdiction and competency of the Court *with no other limitation than that the foreign offices of the governments in controversy must have failed to reach a settlement*; and that from the clear and positive reasons set forth in the conclusion of the Nicaraguan Foreign Office's answer to that of El Salvador, *it deduces the fact that such settlement was impossible*; therefore there can be no doubt that the complaint lies within the jurisdiction and competency of the Court.

That, then, is the basis for the contradiction imputed to the Court by the Nicaraguan Foreign Office when it says that "the Court under the pretext of that pretended unrestricted power, has not hesitated to make two diametrically opposite interpretations of Article I of the convention referred to, in order to decide always against Nicaragua in cases of the same nature"?

Furthermore, Article XXII of the convention, so frequently mentioned here, confers on the Court the power to determine its own competency; and that power like a wall erected by the law about the parties that appear before the Court to prevent them from withdrawing themselves from the effects of its decisions — cannot be disputed by them, nor can they refuse to respect it without in fact being guilty of a default in the obligations contracted in the above mentioned international pact.

The Nicaraguan delegates to the Conferences of Washington, commenting on Article XXII above cited, make the following statements in the report to which reference has hereinbefore been made:

It might happen that one or more of the contending parties, not wishing to submit to the judgment of the Court *a matter comprehended in the convention, or not wishing to comply with the decision that might be rendered*, would object to the competency of the tribunal to take cognizance of that matter, *or would allege extra limitations of powers*. This contingency is made impossible by Article XXII which gives the Court the power to decide as to its own competency, to interpret treaties and conventions pertinent to the matter in controversy and to apply the principles of international law. So that, when the Court shall have declared its competency the obligatory character of its decisions cannot be denied.

To claim that the Court, in rendering its decision in strict conformity with existing treaties and the principles of international law,

has affronted Nicaragua, is to make a statement that cannot be passed over unnoticed. That country, as is the case with the rest of Central America, constitutes a moral entity that impressed itself upon the respect and sympathy of this Court, the very life of which rests precisely in the noble hope that the countries that brought about its institution may live always in peace and harmony to the end that the ties of confraternity that united them may be drawn tighter and that it may be possible in the future to see the five flags symbolizing our country and sovereignty combined in a single standard, as they were in an earlier day.

Any effort that might tend to widen the differences between those peoples would be far removed from a labor of patriotism. The people of Costa Rica and Nicaragua have not engaged in any controversy. It is merely that their respective Governments have set up a legal question which the Court is called upon to solve in honorable and just judgment. The vehemence, then, of the language used by His Excellency the Minister of Foreign Relations of Nicaragua does not comport with his expressed aspirations for peace and concord, much less with the unavoidable duty that is imposed upon that Government to respect and abide by the decision of this Central American Court to which has been entrusted without reservation of any kind a high function of resolving the differences that arise with brother governments.

That decision must be complied with. The honor of Central America and the prestige of her institutions demand it. If compliance is withheld, this singular and unprecedented contumacy of the Nicaraguan Government must lie as a pall upon the faith and confidence that have been heretofore the inspiration of our public treaties. The justices of this Court are at peace in their own minds. They have fulfilled their duty and now trust that Your Excellency will acknowledge the rectitude of their act; and as a recompense for having lost the confidence of His Excellency the Nicaraguan Minister of Foreign Relations, they hope to continue in the enjoyment of the Central American national esteem.

The Court is loath to close this brief statement without an expression of regret that the Government of Nicaragua should have made the charge — wholly destitute of truth though it be — that it urged in vain upon the Court the fulfillment of its international obligations born of the Treaties of Washington; for this office has

never received a complaint of any kind relating "to the undue aggressions or intrusions of those who have benefited by its policy." It is interesting to note that the Government of Nicaragua has never brought before the Court any action based upon the violations to which it alludes and as to which the Court has never had the remotest notice. It would seem that the other Central American Governments are called upon to defend themselves against that charge; the Court, on its part, is wholly without the means to pass upon it outside of its judicial capacity.

The Court, Mr. Minister, rests in the hope that its austere conduct, in the face of such insensate attacks, will be justly judged by your illustrious Government, called upon, as it is, to lend the moral support bespoken on behalf of this tribunal by Article XXV of the Convention.

Assuring Your Excellency of my distinguished consideration.  
(Signed) Manuel Echeverria, Secretary.

Availing myself of this new opportunity to reiterate to Your Excellency the assurances of my distinguished consideration.

(Signed) MANUEL ECHEVERRIA,  
*Secretary.*

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#### INTERNATIONAL CONVENTION FOR THE PROTECTION OF TRADE MARKS.<sup>1</sup>

*Signed at the Fourth International American Conference, Buenos Aires, August 20, 1910; ratified by the United States May 1, 1911; proclaimed September 16, 1916.*

THEIR Excellencies the Presidents of the United States of America, the Argentine Republic, Brazil, Chili, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay and Venezuela;

<sup>1</sup> U. S. Treaty Series, No. 626. An unofficial translation of the articles of this convention was printed in the Record of Proceedings of the Fourth International American Conference (see Supplement to this JOURNAL, January, 1911, Vol. 5, p. 1 at p. 31). The original convention is in the Spanish, English, Portuguese and French languages, and the translation here printed is the official English translation as issued by the Department of State.

Being desirous that their respective countries may be represented at the Fourth International American Conference, have sent thereto, the following delegates, duly authorized to approve the recommendations, resolutions, conventions and treaties which they might deem advantageous to the interest of America.

*United States of America:* Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul Samuel Reinsch, David Kinley.

*Argentine Republic:* Antonio Bermejo, Eduardo L. Bidau, Manuel A. Montes de Oca, Epifanio Portela, Carlos Rodríguez Larreta, Carlos Salas, José A. Terry, Estanislao S. Zeballos.

*United States of Brazil:* Joaquim Murtinho, Domicio da Gama, José L. Almeida Nogueira, Olavo Bilac, Gastão da Cunha, Herculano de Freitas.

*Republic of Chili:* Miguel Cruchaga Tocornal, Emilio Bello Codecido, Aníbal Cruz Díaz, Beltrán Mathieu.

*Republic of Colombia:* Roberto Ancízar.

*Republic of Costa Rica:* Alfredo Volio.

*Republic of Cuba:* Carlos García Vélez, Rafael Montoro y Valdés, Gonzalo de Quesada y Aróstegui, Antonio Gonzalo Pérez, José M. Carbonell.

*Dominican Republic:* Américo Lugo.

*Republic of Ecuador:* Alejandro Cárdenas.

*Republic of Guatemala:* Luis Toledo Herrarte, Manuel Arroyo, Mario Estrada.

*Republic of Haïti:* Constantin Fouchard.

*Republic of Honduras:* Luis Lazo Arriaga.

*Mexican United States:* Victoriano Salado Alvarez, Luis Pérez Verdía, Antonio Ramos Pedrueza, Roberto A. Esteva Ruiz.

*Republic of Nicaragua:* Manuel Pérez Alonso.

*Republic of Panama:* Belisario Porras.

*Republic of Paraguay:* Teodosio González, José P. Montero.

*Republic of Peru:* Eugenio Larrabure, y Unánue, Carlos Alvarez Calderón, José Antonio de Lavalle y Pardo.

*Republic of Salvador:* Federico Mejía, Francisco Martínez Suárez.

*Republic of Uruguay:* Gonzalo Ramírez, Carlos M. de Pena, Antonio M. Rodríguez, Juan José Amézaga.

*United States of Venezuela:* Manuel Díaz Rodríguez, César Zumeta.

Who, after having presented their credentials and the same having been found in due and proper form, have agreed upon the following Convention for the Protection of Trade-Marks.

ARTICLE I. The signatory Nations enter into this convention for the protection of trade-marks and commercial names.

ARTICLE II. Any mark duly registered in one of the signatory states shall be considered as registered also in the other states of the Union, without prejudice to the rights of third persons and to the provisions of the laws of each state governing the same.

In order to enjoy the benefit of the foregoing, the manufacturer or merchant interested in the registry of the mark must pay, in addition to the fees or charges fixed by the laws of the state in which application for registration is first made, the sum of fifty dollars gold, which sum shall cover all the expenses of both bureaux for the international registration in all the signatory states.

ARTICLE III. The deposit of a trade-mark in one of the signatory states produces in favor of the depositor a right of priority for the period of six months, so as to enable the depositor to make the deposit in the other states.

Therefore, the deposit made subsequently and prior to the expiration of this period, cannot be annulled by acts performed in the interval, especially by another deposit, by publication, or by the use of the mark.

ARTICLE IV. The following shall be considered as trade-mark: any sign, emblem, or especial name that merchants or manufacturers may adopt or apply to their goods or products in order to distinguish them from those of other manufacturers or merchants who manufacture or deal in articles of the same kind.

ARTICLE V. The following cannot be adopted or used as trade-mark: national, provincial or municipal flags or coats-of-arms; immoral or scandalous figures; distinctive marks which may have been obtained by others or which may give rise to confusion with other marks; the general classification of articles; pictures or names of persons without their permission; and any design which may have been adopted as an emblem by any fraternal or humanitarian association.

The foregoing provisions shall be construed without prejudice to the particular provisions of the laws of each state.

ARTICLE VI. All questions which may arise regarding the priority

of the deposit, or the adoption of a trade-mark, shall be decided with due regard to the date of the deposit in the state in which the first application was made therefor.

ARTICLE VII. The ownership of a trade-mark includes the right to enjoy the benefits thereof, and the right of assignment or transfer in whole or in part of its ownership or its use in accordance with the provisions of the laws of the respective states.

ARTICLE VIII. The falsification, imitation or unauthorized use of a trade-mark, as also the false representation as to the origin of a product, shall be prosecuted by the interested party in accordance with the laws of the state wherein the offence is committed.

For the effects of this article, interested parties shall be understood to be any producer, manufacturer or merchant engaged in the production, manufacture or traffic of said product, or in the case of false representation of origin, one doing business in the locality falsely indicated as that of origin, or in the territory in which said locality is situated.

ARTICLE IX. Any person in any of the signatory states shall have the right to petition and obtain in any of the states, through its competent judicial authority, the annulment of the registration of a trade-mark, when he shall have made application for the registration of that mark, or of any other mark calculated to be confused, in such state, with the mark in whose annulment he is interested, upon proving:

a) That the mark, the registration whereof he solicits, has been employed or used within the country prior to the employment or use of the mark registered by the person registering it, or by the persons from whom he has derived title;

b) That the registrant had knowledge of the ownership, employment or use in any of the signatory states, of the mark of the applicant, the annulment whereof is sought, prior to the use of the registered mark by the registrant or by those from whom he has derived title;

c) That the registrant had no right to the ownership, employment or use of the registered mark on the date of its deposit;

d) That the registered mark had not been used or employed by the registrant or by his assigns within the term fixed by the laws of the state in which the registration shall have been made.

ARTICLE X. Commercial names shall be protected in all the states of the Union, without deposit or registration, whether the same form part of a trade-mark or not.

ARTICLE XI. For the purposes indicated in the present convention a Union of American Nations is hereby constituted, which shall act through two International Bureaux established one in the city of Habana, Cuba, and the other in the city of Rio de Janeiro, Brazil, acting in complete accord with each other.

ARTICLE XII. The International Bureaux shall have the following duties:

1. To keep a register of the certificates of ownership of trademark, issued by any of the signatory states.

2. To collect such reports and data as relate to the protection of intellectual and industrial property and to publish and circulate them among the nations of the Union, as well as to furnish them whatever special information they may need upon this subject.

3. To encourage the study and publicity of the questions relating to the protection of intellectual and industrial property; to publish for this purpose one or more official reviews, containing the full texts or digest or all documents forwarded to the Bureaux by the authorities of the signatory states.

The Governments of said states shall send to the International American Bureaux their official publications which contain the announcements of the registrations of trade-marks, and commercial names, and the grants of patents and privileges as well as the judgments rendered by the respective courts concerning the invalidity of trade-marks and patents.

4. To communicate to the Governments of the Union any difficulties or obstacles that may oppose or delay the effective application of this convention.

5. To aid the Governments of the signatory states in the preparations of international conferences for the study of legislation concerning industrial property, and to secure such alterations as it may be proper to propose in the regulations of the Union, or in treaties in force to protect industrial property. In case such conferences take place, the Directors of the Bureaux shall have the right to attend the meetings and there to express their opinions, but not to vote.

6. To present to the Governments of Cuba and of the United States of Brazil, respectively, yearly reports of their labors which shall be communicated at the same time to all the Governments of the other states of the Union.

7. To initiate and establish relations with similar bureaux, and



with the scientific and industrial associations and institutions for the exchange of publications, information and data conducive to the progress of the protection of industrial property.

8. To investigate cases where trade-marks, designs, and industrial models have failed to obtain the recognition of registration provided for by this convention, on the part of the authorities of any one of the states forming the Union, and to communicate the facts and reasons to the Government of the country of origin and to interested parties.

9. To coöperate as agents for each one of the Governments of the signatory states before the respective authorities for the better performance of any act tending to promote or accomplish the ends of this convention.

ARTICLE XIII. The Bureau established in the City of Habana, Cuba, shall have charge of the registration of trade-marks coming from the United States of America, Mexico, Cuba, Haiti, the Dominican Republic, El Salvador, Honduras, Nicaragua, Costa Rica, Guatemala and Panama.

The Bureau established in the City of Rio de Janeiro shall have charge of the registration of trade-marks coming from Brazil, Uruguay, the Argentine Republic, Paraguay, Bolivia, Chile, Peru, Ecuador, Venezuela, and Colombia.

ARTICLE XIV. The two International Bureaux shall be considered as one, and for the purpose of the unification of the registrations it is provided:

(a) Both shall have the same books and the same accounts kept under an identical system;

(b) Copies shall be reciprocally transmitted weekly from one to the other of all applications, registrations, communications and other documents affecting the recognition of the rights of owners of trade-marks.

ARTICLE XV. The International Bureaux shall be governed by identical regulations, formed with the concurrence of the Governments of the Republic of Cuba and of the United States of Brazil and approved by all the other signatory states.

Their budgets, after being sanctioned by the said Governments, shall be defrayed by all the signatory states in the same proportion as that established for the International Bureau of the American Republics at Washington, and in this particular they shall be placed under the



control of those Governments within whose territories they are established.

The International Bureaux may establish such rules of practice and procedure, not inconsistent with the terms of this convention, as they may deem necessary and proper to give effect to its provisions.

ARTICLE XVI. The Governments of the Republic of Cuba and of the United States of Brazil shall proceed with the organization of the Bureaux of the International Union as herein provided, upon the ratification of this convention by at least two-thirds of the nations belonging to each group.

The simultaneous establishment of both Bureaux shall not be necessary; one only may be established if there be the number of adherent governments provided for above.

ARTICLE XVII. The treaties on trade-marks previously concluded by and between the signatory states shall be substituted by the present convention from the date of its ratification, as far as the relations between the signatory states are concerned.

ARTICLE XVIII. The ratifications or adhesion of the American states to the present convention shall be communicated to the Government of the Argentine Republic, which shall lay them before the other states of the Union. These communications shall take the place of an exchange of ratifications.

ARTICLE XIX. Any signatory state that may see fit to withdraw from the present convention shall so notify the Government of the Argentine Republic, which shall communicate this fact to the other states of the Union, and one year after the receipt of such communication this convention shall cease with regard to the state that shall have withdrawn.

In witness whereof, the plenipotentiaries and delegates sign this convention and affix to it the seal of the Fourth International American Conference.

Made and signed in the City of Buenos Aires, on the twentieth day of August, in the year one thousand nine hundred and ten, in Spanish, English, Portuguese and French, and filed in the Ministry of Foreign Affairs of the Argentine Republic in order that certified copies may be made to be forwarded through appropriate diplomatic channels to each one of the signatory nations.

## FOR THE UNITED STATES OF AMERICA:

HENRY WHITE	BERNARD MOSES
ENOCH H. CROWDER	LAMAR C. QUINTERO
LEWIS NIXON	PAUL S. REINSCH
JOHN BASSETT MOORE	DAVID KINLEY

## FOR THE ARGENTINE REPUBLIC:

ANTONIO BERMEJO	EPIFANIO PORTELA
EDUARDO L. BIDAU	CARLOS SALAS
MANUEL A. MONTES DE OCA	JOSÉ A. TERRY
ESTANISLAO S. ZEBALLOS	

## FOR THE UNITED STATES OF BRAZIL:

JOAQUIM MURTINHO	OLAVO BILAC
DOMICIO DA GAMA	GASTAO DA CUNHA
JOSÉ L. ALMEIDA NOGUEIRA	HERCULANO DE FREITAS

## FOR THE REPUBLIC OF CHILI:

MIGUEL CRUCHAGA TOCORNAL	ANÍBAL CRUZ DÍAZ
EMILIO BELLO CODECIDO	BELTRÁN MATHIEU

## FOR THE REPUBLIC OF COLOMBIA:

ROBERTO ANCÍZAR

## FOR THE REPUBLIC OF COSTA RICA:

ALFREDO VOLIO

## FOR THE REPUBLIC OF CUBA:

CARLOS GARCÍA VELEZ	GONZALO DE QUESADA Y ARÓSTE-
RAFAEL MONTORO Y VALDÉS	GUI
ANTONIO GONZALO PÉREZ	JOSÉ M. CARBONELL

## FOR THE DOMINICAN REPUBLIC:

AMÉRICO LUGO

## FOR THE REPUBLIC OF ECUADOR:

ALEJANDRO CÁRDENAS

**FOR THE REPUBLIC OF GUATEMALA:**

LUIS TOLEDO HERRARTE                      MANUEL ARROYO  
MARIO ESTRADA

**FOR THE REPUBLIC OF HAITI:**

# CONSTANTIN FOUCHARD

**FOR THE REPUBLIC OF HONDURAS:**

**LUIS LAZO ARRIAGA**

**FOR THE MEXICAN UNITED STATES:**

VICTORIANO SALADO ALVAREZ      ANTONIO RAMOS PEDRUEZA  
LUIS PÉREZ VERDÍA      ROBERTO A. ESTEVA RUIZ

**FOR THE REPUBLIC OF NICARAGUA:**

**MANUEL PÉREZ ALONSO**

**FOR THE REPUBLIC OF PANAMA:**

# BELISARIO PORRAS

**FOR THE REPUBLIC OF PARAGUAY:**

**TEODOSIO GONZÁLEZ**                      **JOSÉ P. MONTERO**

**FOR THE REPUBLIC OF PERU:**

**EUGENIO LARRABURE Y UNÁNUE    CARLOS ALVAREZ CALDERÓN**

**JOSÉ ANTONIO DE LAVALLE Y PARDO**

**FOR THE REPUBLIC OF SALVADOR:**

FEDERICO MEJÍA FRANCISCO MARTÍNEZ SUÁREZ

**FOR THE REPUBLIC OF URUGUAY:**

GONZALO RAMÍREZ  
CARLOS M. DE PENA

ANTONIO M. RODRÍGUEZ  
JUAN JOSÉ AMÉZAGA

**FOR THE UNITED STATES OF VENEZUELA:**

**MANUEL DÍAZ RODRÍGUEZ**                      **CÉSAR ZUMETA**

CORRESPONDENCE BETWEEN GREAT BRITAIN AND SWEDEN REGARDING  
THE SEARCH AND DETENTION OF MAILS<sup>1</sup>

No. 1

*Sir Edward Grey to Count Wrangel*

Sir, FOREIGN OFFICE, *December 15, 1915.*

I have the honor to inform you that the Swedish steamship *Stockholm* has arrived at Kirkwall on her voyage from Gothenburg to New York.

This vessel is carrying fifty-eight bags of parcels mails from Malmo to Chicago and New York, which are being removed for examination, after which the vessel will be allowed to proceed at once to her destination.

I have, &c.

(For the Secretary of State),

ALGERNON LAW.

No. 2

*Count Wrangel to Sir Edward Grey. — (Received December 19)*

(Translation)

Sir, SWEDISH LEGATION, London, *December 18, 1915.*

Under instructions from my Government, I have the honor to communicate the following to your Excellency:—

The Swedish Government have been informed that the authorities at Kirkwall have detained postal parcels enclosed in mail-bags addressed to Sweden from the United States, which were taken from the Danish steamship *Hellig Olaf* during her last voyage from New York. In the note which your Excellency was good enough to send me on the 15th instant, the Swedish Government were further informed that fifty-eight mail-bags containing postal parcels from Sweden for the United States had been taken from the Swedish steamer *Stockholm* and detained at Kirkwall. There is every reason to believe that the majority of the latter parcels contained Christmas presents.

On several occasions, when the British authorities had taken measures against Swedish shipping and commerce which seemed to the

<sup>1</sup> British Command Paper, Cd. 8322.

Royal Government to constitute a violation of international rules as sanctioned by the law of nations, no measure of reprisals or retortion had been taken. This procedure on the part of the Swedish Government was due to their conviction that His Britannic Majesty's Government would consider it right and equitable to rectify the measures in question.

The seizure of the parcels on the *Hellig Olaf* and the *Stockholm* gives the impression, however, that the British authorities, far from wishing to minimize the difficulties, find pleasure in increasing them.

The Royal Government, while protesting in the most formal manner against the seizure of the parcels in question, have to their great regret felt constrained to direct the Postal Administration in Sweden to detain all goods from or to England sent by the parcels mail in transit through Sweden. This measure will be maintained by the Swedish authorities till the matter is settled in a manner which the Royal Government considers satisfactory, and a guarantee is given against the repetition of an incident of this nature, so contrary to international law.

I avail, &c.

WRANGEL.

No. 3

*Count Wrangel to Sir Edward Grey. — (Received December 28)*

(Translation)

SWEDISH LEGATION, London, *December 27, 1915.*

Sir,

With reference to the note that I had the honor to address to your Excellency on the 18th instant, and in accordance with instructions received from my Government, I have the honor to inform you of the protest of the Swedish Government against fresh infractions of the international rules respecting the free passage of correspondence and postal parcels. The cases in question are the following: —

1. Postal parcels for Sweden sent from New York on the 8th instant have been seized on board the Danish steamship *Frederik VIII* at Kirkwall.

2. On the 21st instant, the British authorities seized on board the Netherlands steamship *Tubantia* eight mail-bags coming from Spain and six from Buenos Aires, all fourteen being addressed to Sweden.

3. The mail-bags despatched from Gothenburg to New York from the 7th to the 12th November last were opened by the British authorities; the majority of the postal parcels therein contained were censored and ten registered parcels were retained.

4. The Netherlands Postal Administration has informed the Swedish Government that mail-bags containing letters from the Argentine Republic for Sweden have been seized on board the Netherlands steamship *Frisia*.

As regards the case mentioned under No. 4, the action against which the protest of the Swedish Government is directed appears to be in direct contradiction of the international conventions which prescribe the inviolability of the letter post between neutral countries or board neutral vessels.

In the latter case, the Swedish Government reserve the right also to take further measures.

I have, &c.

WRANGEL.

#### No. 4

*Sir Edward Grey to Count Wrangel*

The attached memorandum is transmitted with the compliments of the Secretary of State for Foreign Affairs.

FOREIGN OFFICE, *December 30, 1915.*

#### *Memorandum*

Danish steamship *Hellig Olaf*.

On examination of the parcels mail discharged from the above vessel at Kirkwall, 109 bags containing rubber were discovered and detained, all of them consigned from the Rex Chemical Company, 68 Broad Street, New York, to Jonsson and Kraft, of Gothenburg, and His Majesty's Customs have been requested to place this rubber in the Prize Court, on the ground that it is believed to be destined for Germany.

#### No. 5

*Sir Edward Grey to Count Wrangel*

Sir,

FOREIGN OFFICE, *January 1, 1916.*

I have received, and read with considerable surprise, your note the 18th ultimo respecting the examination by the British authorities

of the parcels mail found on board the Danish steamship *Hellig Olaf* and the Swedish steamship *Stockholm*. You inform me that the Swedish Government protest against this interference with the parcels mail between Sweden and the United States, as contrary to international law.

It is difficult to understand this contention. The steamship *Hellig Olaf* was carrying a number of postal parcels as to which there was reason to suspect that some had an enemy destination. The ship was accordingly visited and searched in accordance with the well-known and well-established belligerent right. In order not to delay the ship unnecessarily, the suspected parcels were removed for examination, and the ship itself allowed to proceed. The result of the examination was to show that one-third of the parcels contained absolute contraband destined for Germany. These will be put into the Prize Court. The remainder of the parcels have been forwarded to their addresses. In the same way the steamship *Stockholm* was visited and searched. Suspected parcels were removed, and the ship sent on. In this case the parcels turned out to be unobjectionable from a belligerent point of view, and they too have been dispatched to their destinations.

These are the plain facts of the incidents, and His Majesty's Government is at a loss to imagine what is the breach of international law suggested by the Swedish Government. It cannot surely be intended to dispute that a belligerent has a right to visit and search a neutral ship and cargo where he suspects an invasion of his belligerent rights. The Swedish Government are far too familiar with international law to raise such a contention as that. Still less can it be supposed that the Swedish Government desire to throw doubt on the legality of seizure by a belligerent of contraband destined for an enemy country. Is it then suggested that the fact that the goods in question were being transmitted by parcels post renders them immune from the operation of belligerent rights. I am unaware of any justification for such a suggestion. On the contrary, when, at the Second Peace Conference, it was agreed by the Powers which took part in it, to grant for the first time immunity in certain circumstances to postal correspondence found upon neutral ships on the high seas, it was expressly declared in the debate which led up to this decision that parcels were "certainly excluded from the privileged treatment accorded to postal correspondence." Indeed, it is obvious that any other decision would have practically destroyed belligerent rights with

respect to contraband and blockade. It is further worthy of remark that the right of visit and search, even in the case of letter post, was expressly preserved, and that letters going to and coming from blockaded ports were exempted from the immunity in question.

The Swedish Government are, of course, perfectly cognizant of all these considerations, and I can only suppose that the protest which you have been instructed to make is based on some misapprehension of the facts. That, too, must be the explanation of their otherwise inexplicable and, I must add, indefensible procedure in detaining the British transit mail to Russia. As I understand your note it is not pretended that the Swedish Government have any right to take such action except by way of reprisal or retortion. I must take leave to observe that for a friendly Government to proceed to reprisals or retortion without asking for or receiving any explanation of the alleged offense is a somewhat arbitrary procedure. At the least it imposes on the Government taking such drastic action the duty of making itself quite sure of its ground. In this case I feel convinced that after due consideration the Swedish Government will recognize that the action of His Majesty's Government has been perfectly correct. His Majesty's Government must therefore request the immediate release of the British mails, and would welcome any explanation which the Swedish Government may wish to offer.

I desire to add that His Majesty's Government must regret the delay which the exercise of its belligerent rights caused to the innocent parcels post by the steamships *Hellig Olaf* and *Stockholm*, and to express the hope that no serious inconvenience was thereby caused. They have done their utmost to minimize delay and inconvenience.

I have, &c.

E. GREY.

No. 6

*Sir Edward Grey to Count Wrangel*

FOREIGN OFFICE, *January 19, 1916.*

Sir,

With reference to my note of the 1st instant, I have the honor to enquire when I may hope to receive the answer of the Swedish Government to my request for an explanation of their attitude in respect to the detention of the British transit mail to Russia.

You will allow me to observe that the failure of the Swedish



Government to make any reply to my communication, and to continue the admittedly illegal detention of British mails, contrasts singularly with the efforts made by His Majesty's Government to minimize in every possible way the inevitable inconvenience to Swedish subjects involved in the exercise by Great Britain of her undoubted belligerent rights in dealing with the illicit abuse of Swedish mails by enemy traders.

If the Swedish Government consider it proper indefinitely to embargo British mails without any justification, His Majesty's Government do not see how they can be expected not to place a similar embargo on all Swedish mails.

I have, &c.

E. GREY.

No. 7

*Count Wrangel to Sir Edward Grey. — (Received January 22)*

(Translation)

SWEDISH LEGATION, London, *January 21, 1916.*

Sir,

I did not fail to bring to the notice of the King's Government the note which your Excellency was good enough to address to me on the 1st instant respecting the seizure of the Swedish mails on board the steamships *Hellig Olaf* and *Stockholm*.

In reply to that note, I have received instructions to communicate the following to your Excellency:—

The King's Government venture to point out, in the first place, that, in expressing the opinion that the postal parcels in question had been detained and in part seized contrary to international law, they never thought of founding themselves on an appeal to those special provisions regarding the inviolability of postal correspondence, which are found in the 11th Hague Convention of 1907.

The Royal Government are well aware that the provisions in question apply only to letters and not to postal parcels.

It is on other grounds that the Royal Government base their opinion, and have consequently taken their measures.

As His Britannic Majesty's Government are aware, the King's Government have at no time admitted that the seizures in the form and to the extent to which they have been carried out by the British authorities during the present war were justified.

On the contrary, the King's Government have presented protests and complaints, both general and specific, against these measures. The fact that these protests and complaints have not had the expected result cannot prevent them from intervening against fresh encroachments when they feel called upon by circumstances to do so.

The particular cases now in question constitute encroachments of a very serious nature. Action which is contrary to international law, when it is a question of goods in general, is, *a fortiori*, still less excusable with regard to postal parcels.

In this respect, I venture to recall the tendency shown in the Hague Convention to accord special treatment to mail-boats.

Apart from this, it seems evident —

That if a person makes use of the post, *i.e.*, of the means of transport placed under the direct guarantee of the state authorities, he has the right to count on a more rapid and sure means of transmission by reason of the higher rate paid for transport;

That the contents of postal parcels, as a rule, are of a more personal character than consignments of goods in general;

And that, for these reasons, the seizure or delay of this class of consignment makes itself especially felt when it is a question of interests which are not of an exclusively material nature.

If the Royal Government were for a moment willing to admit — which is not the case — that the necessities of war justify measures in themselves unjustifiable, they would be obliged to point out that in this respect the seizure of postal parcels is of infinitely less importance than the detention of other consignments of goods for or from the enemy.

As regards the postal parcels on board the steamship *Hellig Olaf*, the Royal Government are not aware that before the seizure there had been any reason to suspect the presence of merchandise constituting contraband, and having an enemy destination, from the British point of view. As to the destination of the parcels seized, it appears, on the contrary, that all the parcels were addressed to Sweden and to Swedish consignees.

A general suspicion of the existence of an organization for the regular transmission of contraband by means of postal parcels between America and Germany through Sweden cannot be said to afford adequate justification, nor is it justified by the circumstances of the case.

The number of postal parcels despatched from Sweden to Germany has been considerably less during the war than before. While the number of postal parcels from the 1st July, 1913, to the 30th June, 1914, was 40,442, the number despatched from the 1st July, 1914, to the 13th June, 1915—the first year of the war—was only 27,524.

It has been said that part of the postal parcels seized on the *Hellig Olaf* contained rubber. It should here be recalled that this merchandise belongs, according to the Declaration of London, to the so-called "free" list, *i.e.*, to the category of goods which may not even be declared conditional contraband.

But, independently of the Declaration of London, it is evident that rubber, which is for everyday and regular use for civil purposes, could not at the most be considered more than conditional contraband.

The British decision itself by which, in spite of the circumstances that I have just mentioned, rubber was declared contraband of war, does not afford the necessary justification for the seizure of these postal parcels, since the presumption of enemy destination is wanting; all the more so as the export from Sweden of rubber, whether in postal parcels or other form of consignment, is prohibited, and consequently there was no ground for stopping and examining these parcels.

As regards the postal parcels addressed to America on board the steamship *Stockholm*, there could have been no question of treating them as either true or suspected contraband.

The King's Government are unaware upon what other motives His Britannic Majesty's Government consider themselves justified in relying for the seizure and examination of these postal parcels, and they are also ignorant, consequently, of what His Britannic Majesty's Government mean when referring to these parcels as "suspected" and "unobjectionable."

If, as would seem plausible, the intention of His Britannic Majesty's Government was to apply to these postal parcels the Order in Council of the 11th March, 1915, the King's Government would refer to their protest against that Order in Council, and find themselves obliged to reaffirm that they cannot recognize that order as either justified or valid.

From certain expressions in your Excellency's note there is reason to conclude that His Britannic Majesty's Government consider the

rules of blockade to be in some measure applicable in the circumstances. This cannot be admitted by the Swedish Government either.

It is superfluous to point out that conditions of an effective blockade such as they are defined in the solemn and international agreement regulating these questions, do not exist.

As they have already observed in a note of protest addressed to Sir Esme Howard on the 12th November, 1914, the King's Government are pleased to believe that a day will come when Great Britain, as well as the other belligerent Powers of the present day, will be grateful to Sweden that she has not thought it right to become a party — even passively — to the brushing aside of concluded treaties and of rules of international law which may at a later date regain their value for them.

If the Royal Government have felt themselves obliged to have recourse to certain measures of reprisal, without previous warning, that has been due to the fact that the encroachments against which those measures were directed constituted an aggravated repetition of infringements [of the law of nations] against which they had had to complain on repeated occasions.

The King's Government hope that His Britannic Majesty's Government, in consequence of the explanation now furnished, will understand the Swedish point of view, and they are convinced that, as a result of what I have just had the honor of setting forth, His Britannic Majesty's Government will be disposed to do justice to the requests put forward in the note of the 18th December last.

As regards the observations which the King's Government have felt obliged to present respecting the seizure by the British authorities of letter-mails on board neutral vessels addressed to Sweden, to which they have not yet had a reply, the Swedish Government equally venture to hope that a satisfactory solution will be found.

I have, &c.

WRANGEL.

No. 8

*Sir Edward Grey to Count Wrangel*

FOREIGN OFFICE, *January 31, 1916.*

Sir,

Your note of the 21st instant conveys to me the answer of your Government to my enquiry as to the grounds on which they impugn

the action of the British authorities in searching the parcel mails on certain Danish and Swedish vessels, and seizing, for adjudication in the Prize Court, a number of parcels containing rubber.

2. The Swedish Government disclaim, as I felt confident they would, any intention of appealing in this matter to Article 1 of the 11th Hague Convention of 1907, which, they admit, is not applicable to parcel mails. They ground their protest on other considerations, which, so far as they can be gathered from your note, may be summarized as follows:—

- (1) That the convention referred to prescribes specially considerate treatment of mail boats;
- (2) That consignments by parcel post deserve more lenient treatment than other goods because this means of conveyance is placed under the direct guarantee of the state authorities;
- (3) That, more particularly, the parcels of rubber were not liable to seizure because —
  - (a) There was, so far as the Swedish Government was aware, no reasonable ground for suspecting any enemy destination;
  - (b) There could have been, in fact, no enemy destination, since the export of rubber from Sweden is prohibited;
  - (c) According to the Declaration of London, rubber, being on the free list, could not be declared contraband;
  - (d) In any case, rubber could not be more than conditional, and never absolute, contraband;
- (4) That, as regards the mail on board the *Stockholm*, outward bound for America, the Swedish Government could not recognize any right of interference derived from the Order in Council of the 11th March, since they did not admit the validity of that instrument.

3. The Swedish Government, pursuant to these considerations, claim credit for refusing to be a party, even passively to the violation of binding treaties and of the law of nations. The charge implied in this suggestion is a grave one, unusual in diplomatic documents, and, on behalf of His Majesty's Government, I must repudiate it in the strongest and most categorical manners alto-

gether unwarranted. The invocation of concluded treaties is not, in fact, easy to understand in the present connection, unless it be that the reference is to the two treaties which are specifically mentioned in your note, namely, the 11th Hague Convention of 1907 and the Declaration of London.

4. The 11th Hague Convention is, in fact, invoked as stipulating for special consideration in favor of mail boats. I beg leave to make on this point a more general observation. By a note addressed as the 14th instant by the Swedish Minister at Paris to the French Minister for Foreign Affairs, which the latter has been good enough to communicate to me, the Swedish Government declared, in reference to the 13th Hague Convention of 1907, that it could not be regarded as operative during the present war because it had not been ratified by all the belligerent Powers, this being a condition on which the validity of the convention was made to depend in virtue of a clause to this effect forming an essential part of the instrument itself. As the same clause, in identical terms, occurs in all the Hague Conventions of 1907 relating to the conduct of war, it follows that none of them are in force during the present war. That is the recorded opinion of the Swedish Government. Exactly the same opinion has been expressed by the German Government on more than one occasion, and particularly with reference to the very 11th Convention now in question, when the Norwegian Government called upon them to justify their action in seizing the letter mail on board certain neutral ships. On that occasion, it will be remembered, the German Government, whilst giving an assurance that they would in future refrain from such seizures, explicitly vindicated their perfect right to act as they had done, on the ground that neither this nor any other Hague Convention of 1907 was at present binding.

5. I do not propose here to discuss the question how far this argument can or should be held to be conclusive on the point, having regard to all the circumstances. But I may be permitted to express surprise that the British Government should be arraigned for the non-observance of a convention which her enemies have formally repudiated, by the Swedish Government, who, on their part, declare it does not bind them. The proposition is neither logical nor just. Whatever may be said of the binding character of any Hague convention — and His Majesty's Government think a good deal could be said on this subject — it is clearly not for the Swedish Govern-

ment, who hold them not to be binding, to call upon Great Britain to observe those conventions in her war against Germany.

6. The only other treaty referred to in your note is the Declaration of London. This is a document of which Sweden was not a signatory; which has been ratified by none of the Powers that did sign it; and which consequently has no validity as an international instrument at all. I should not, in the circumstances, have thought it possible that the Swedish Government, when reproaching His Majesty's Government with the violation of solemn treaties, could have intended to allude to the Declaration of London, were it not that your note specifically argues that rubber cannot properly be treated as contraband because it is included in the list of articles which the Declaration stipulates shall not be so treated. The Swedish Government are of course aware that whilst His Majesty's Government have, by the terms of an Order in Council, undertaken to consider themselves bound by the rules of international law embodied in certain of the clauses of the Declaration of London, the articles setting up the free list was specifically excluded from that undertaking. The seizure of the rubber is justified on the doctrine of continuous voyage, which has been applied and recognized by other nations before this war, and of the benefit of which the British Government ought not now to be deprived.

7. I therefore put aside the argument based on the Declaration of London as wholly irrelevant, and the first of the grounds on which the Swedish protest is based must surely be disposed of by the considerations set forth above.

8. The second proposition, which would derive a special degree of sanctity for the parcel post from the fact that it is sent under the direct guarantee of the neutral state, appears to His Majesty's Government to involve a novel and somewhat far-reaching doctrine. Coupled with the further argument that the enactment of a Swedish prohibition of the export of an article of contraband operates as a bar to the belligerent's right to seize such contraband, the proposition amounts to a claim that a belligerent should for the enforcement of his right of search and capture rely on a neutral Government. The belligerent right of Great Britain to seize contraband intended to pass into Germany is not affected by the existence of Swedish laws or regulations governing the export of the particular class of goods to that country. The right to stop contraband having an in-



tended enemy destination cannot be taken away by any action on the part of a neutral Power which may make it unlikely that the intended destination will in fact be reached. It is a right which His Majesty's Government cannot possibly abandon, and against its proper exercise they cannot admit that international law entitles any neutral state to protest.

9. Turning to the objections raised to the seizure of the particular consignments, I note that the Swedish Government profess ignorance as to there having been any suspicion of the presence of contraband in the mails on board the *Hellig Olaf* before they were searched. In this respect it is not unnatural that His Majesty's Government should have had the advantage of the Swedish authorities. They did have information that contraband was being shipped in the mails by this and other neutral vessels. Events have shown how accurate was their information. But even if this practical test were not now at hand, it will surely not be contended that a belligerent's right to seize contraband is in abeyance unless and until the Government of the neutral country to which the goods were ostensibly consigned declare itself satisfied that there are sufficient grounds to suspect their innocence?

10. The British authorities have followed the course which is not merely sanctioned but prescribed by one of the most ancient and unquestioned rules of international law. The shipments on board a neutral vessel were searched, and the contraband found was placed in the Prize Court. A diplomatic protest against this procedure cannot claim to rest on any sanction of international law. On the contrary, it violates the cardinal principle of the law of nations that the legality of the detention or capture of neutral ships or cargoes must be tested in the belligerent's Prize Court before it can properly be made the subject of diplomatic intervention.

11. As regards the parcel mail on board the steamship *Stockholm*, I have already had the honor to inform you that none of the parcels subjected to examination were finally detained. All were forwarded to their destination with but slight delay. The Swedish Government will not, I feel sure, call in question the belligerent right of visit and search itself. That right is absolute, and, provided the search is carried out with the due regard for neutral interests which the circumstances permit, there is no warrant in international law or practice for claiming that the belligerent may be called upon to explain



why in a particular instance he had thought it necessary to exercise his right.

12. In contrast with the scrupulously correct manner in which the British authorities have throughout acted in dealing with neutral parcels mails, the seizure by the Swedish Government of the Russian transit mail was a wholly and avowedly illegal act, all the more regrettable since it affects not only the acknowledged rights of this country, against whom the Swedish action was frankly directed, but also the rights of Russia. Such action is a direct challenge not only to the belligerent rights, but to the national sovereignty of Great Britain. No Power has shown itself more sensitive to any infringement of national sovereignty than Sweden, and the Swedish Government will therefore easily understand the feeling of Great Britain in the matter.

13. His Majesty's Government do not suppose the Swedish Government deliberately meditated an unprovoked departure from their policy of neutrality of so grave a character for the purpose of creating friction with this country. His Majesty's Government, for their part, have gone out of their way to demonstrate by repeated overtures their sincere desire to arrive at some friendly arrangement with Sweden in order to alleviate and diminish the difficulties which the pursuit of any naval war unavoidably creates for neutral maritime commerce. It has been a matter of profound regret to His Majesty's Government that their persistent efforts in this direction have not been crowned with success. They have been given to understand that the difficulties encountered are to be explained very largely by the sensitiveness of the Swedish Government on a question believed to involve some interference of a foreign Government with internal Swedish concerns, which precludes the possibility of their concluding or sanctioning the conclusion of a practical working arrangement with the interests directly concerned such as is feasible in the case of other neutral countries. I am afraid there lies at the bottom of this apprehension a tendency to show a want of appreciation of the fact that a belligerent has not only duties towards neutrals, but also rights as against his enemy, which are equally sanctified by all the prescriptions of international law, and that the difficulty in so regulating the exercise of those rights as to interfere as little as possible with *bond fide* neutral trade is best met by friendly co-operation between the belligerent Government and the neutral traders in order to facilitate

the task of distinguishing genuine neutral trade from the illicit transactions which the belligerent is entitled to stop.

14. If in the exercise of the belligerent's undoubted rights, such as the right of visit and search, it is thought by a neutral Government that the British naval or other authorities have gone beyond what the law of nations enables them to do, I can only repeat that it would be more consonant with the principles governing the intercourse between two friendly Governments if, before resorting to an open violation of British rights as a counter-measure to a supposed grievance, the correctness of the assumption on which the neutral based his complaint were brought to the test in the manner and by the machinery prescribed for this purpose by the consensus of all authorities of international law, as well as by the precedents set in every modern naval war. The rule that the legality of any act or interference with neutral ships or cargoes on the high seas must in the first instance be tested in a court of prize is one to which Great Britain, when herself neutral, has never failed to show obedience, often at the cost of considerable inconvenience and loss to British subjects and important British interests. She cannot in fairness be asked to agree to a contrary course now that she herself is at war.

15. His Majesty's Government have the most absolute confidence that neutral claimants receive a fair and impartial hearing, and obtain full justice, in the British prize courts. I may, however, add that if nevertheless a neutral Government were to consider that the result of any particular judgment in the British prize court had in practice failed to give proper redress to one of their subjects, His Majesty's Government would be quite ready to listen sympathetically to any diplomatic representations on the subject, and they do not exclude the possibility of settling the controversy by some reference to arbitration after the conclusion of the war.

16. In view of the explanations which I have now given as to the true bearing of the incidents complained of by the Swedish Government — explanations which I need hardly assure them are offered in no controversial spirit — I feel sure they will understand the position of His Majesty's Government and recognize the justice and reason of their attitude, and I venture to express the earnest hope that orders will, without further delay, be given for the release of the detained Russian parcel mails.

17. I shall have the honor to address a further communication to you on the subject of the search of letter mails, to which reference is made in the concluding paragraph of your note under reply.

I have, &c.

E. GREY

No. 9

*Count Wrangel to Sir Edward Grey. — (Received February 12)*  
(Translation)

SWEDISH LEGATION, London, *February 11, 1916.*

Sir,

As I had the honor to inform your Excellency on the 1st of this month, I did not fail to communicate to my Government a copy of the note that you were good enough to address to me on the 31st January last, on the subject of the seizure of a certain number of postal parcels.

In reply to the latter note, my Government instructs me to make to you the following communication: —

If, in the note which I had the honor to hand to you on the 21st January, the Royal Government spoke of "the brushing aside of existing treaties," &c., the context of the note shows that it was considering, in the first instance, the eventuality of the British Government's being desirous of pleading the rules of the blockade in support of certain measures adopted. The Royal Government considered that, when speaking of "the solemn international agreement regulating these questions," they had indicated sufficiently clearly the Declaration of Paris of the 16th April, 1856. It now recognizes with satisfaction the fact that the British Government make no further mention of the blockade, and only put forward in justification of the seizure of postal parcels on board the *Stockholm*, bound for America, the general right of search belonging to belligerents, a right which has reference to contraband. It is really difficult to conceive how parcels destined for America could be suspected of having an enemy destination. There is, moreover, no need to demonstrate at any great length that, generally speaking, the recognized rules with regard to search and seizure were ignored in the present case, as in

numerous other instances. The British Government appear, in fact, to refrain from contesting this fact. As these rules have for their object the protection, within limits, of the moral and material interests of neutrals, it must be pointed out that the British Government, far from showing special regard for the interests of neutrals, have, on the contrary, violated their rights. If it were desired to regard the measures taken by the British Government in the light of reprisals, justified by German measures, such justification would be void of meaning as towards neutrals. Reprisals can only be directed against an adversary; for this very reason, the rights of neutrals cannot be allowed to suffer through an alleged necessity of war.

In the note to the French Minister for Foreign Affairs which the British Secretary of State for Foreign Affairs mentions in his reply, we did no more than state the undeniable fact that the XIth Hague Convention does not, from its tenor, apply to the present war. In the same note the Royal Government expressly declared that they did not wish to insist on this point. In these circumstances, and quite independently of the question of the substantial validity of the document in question, the Swedish Government are in no way precluded from appealing to the convention referred to, which has been invoked against Sweden by one of the allies of England, undoubtedly in agreement with her.

As to the Declaration of London, it will be enough to recall the fact that the Declaration, which was signed in London on the initiative of Great Britain, affirms in the preamble that "the rules contained in it correspond in substance to the generally recognized principles of international law." This affirmation, which the British Government would certainly not deny, is specially more particularly beyond challenge so far as concerns the rule by which goods "of current civil use" — such as india-rubber — cannot be classed as absolute contraband.

The Royal Government are unable to comprehend how the detention of postal packets on Swedish territory can be considered as a violation of the sovereignty of Great Britain, while the sovereignty of Sweden is not considered to be affected by operations of seizure carried out on board a Swedish vessel which had only entered English territorial waters owing to the measures taken by the British Government.

As regards the other points in the English note, the Royal Gov-

ment remain equally unconvinced by the reasons adduced in position to their point of view.

They do not, however, consider it necessary to touch upon this subject here, preferring to seek in another direction a solution of the questions at issue.

The Royal Government, attaching great importance to preserving friendly relations with Great Britain and desiring, with this object in view, to do, on their part, everything compatible with the rights and interests of Sweden, have received with the greatest satisfaction the suggestion made in Sir Edward Grey's note that recourse should be had to arbitration in order to arrive at a solution.

In response to this, and in order to show their good will, the Royal Government are ready to release and forward to their destination the postal parcels at present detained in Sweden, on condition that the British Government on their part declare themselves ready to submit without delay to the decision of an arbitration tribunal in accordance with the Hague Convention and the Anglo Swedish Arbitration Treaty of the 11th August, 1904, renewed on the 9th November, 1914, the question of the legality of the measures taken up to the present by Great Britain with regard to postal parcels destined for Sweden or forwarded from that country, as well as the question of the consequences which may devolve from the solution of the first question.

If the British Government agree to have recourse to arbitration, the Royal Government venture to hope that, whilst they revoke the order for the detention of the English mail, the British Government on their part will, pending the arbitral award, refrain from measures such as those which have brought about the present differences, and to avoid to provoke fresh counter-measures.

I avail, &c.

WRANGEL.

No. 10

*Memorandum presented by Sir E. Howard to M. Wallenberg, Swedish Minister for Foreign Affairs*

His Majesty's Government are anxious to do anything they reasonably can to arrange in an amicable way the question which has arisen between them and the Royal Swedish Government re-

specting parcel mails. It seems to them, however, impossible on account of many obvious difficulties to agree to the proposal that the question should be submitted to arbitration during the course of the war. His Majesty's Government consider that they have gone as far in the way of conciliation as it was possible to expect when they stated that they were ready to refer to arbitration after the conclusion of the war any question in which, in the opinion of the Royal Swedish Government, Swedish claims have not been justly dealt with by a judgment of the British Prize Court.

It is true that the Royal Swedish Government at the time when the blockade measures, instituted under the British Order in Council of the 11th March, 1915, came into force, notified His Majesty's Government that they did not recognize their validity in international law. But that they should now, nine months after these measures have been in operation, demand their immediate abandonment on pain of reprisals against British transit of mails to Russia, reveals an attitude which, considering that no reprisals have ever been suggested against the methods of warfare adopted by the enemies of Great Britain, whereby many Swedish vessels have been illegally destroyed and many innocent Swedish lives lost, can hardly be considered as logical or equitable, nor looked upon as one of strict and impartial neutrality.

The detention of a certain number of British parcel mails is not a matter of any great intrinsic importance, and the hardship thus inflicted on individuals can no doubt be corrected in due course by adjusting their claims for compensation; but, as long as it continues, it keeps alight a smouldering fire of irritation which may at any moment cause serious difficulties.

His Majesty's Government are very sincerely anxious, and they hope that the Royal Swedish Government are equally so, to maintain and increase the friendliness of the relations between the two countries, and for this reason they desire to put an end to this dispute.

His Majesty's Government finally point out that the Swedish Government, in agreeing to accept a judicial decision in the cases in dispute, would certainly not be acting in a manner inconsistent with the sovereignty of a neutral state, more particularly in view of the fact that if they succeed in establishing their claims before the prize courts, Swedish subjects will receive full compensation for any loss they may have suffered, and that in case they do not succeed in so

doing, it will always be open to the Royal Swedish Government to require the decision of the Prize Court to be renewed, and if found inequitable, reversed by a court of arbitration after the conclusion of the war.

STOCKHOLM, *February 28, 1916.*

No. 11

*M. Boström, Swedish Chargé d'Affaires, to Sir Edward Grey. —*

*(Received March 14)*

*(Translation)*

SWEDISH LEGATION, London, *March 13, 1916.*

Sir,

On the 28th February last His Britannic Majesty's Minister at Stockholm transmitted to the Minister for Foreign Affairs of His Majesty the King of Sweden a memorandum containing the reply of His Britannic Majesty's Government to Count Wrangel's note of the 11th February, 1916, relative to the detention of certain postal parcels. In accordance with instructions received, I have the honor to make the following communication to your Excellency in answer to the said memorandum.

The Swedish Government fully share the desire expressed by the British Government to maintain and strengthen the friendly relations between the two countries and to remove any grounds of friction.

It was with this view that the King's Government declared themselves prepared, if the British Government on their part accepted the proposal of arbitration without delay, to release the parcels mails detained in Sweden, and also expressed the hope that the British Government, pending the arbitral award, would refrain from taking measures which might cause new disputes and new counter-measures.

Very little would in fact be gained if, after the present grounds of friction had been removed, fresh cases of the same nature were immediately to arise and continue in uninterrupted sequence.

It is, unhappily, difficult to find in the British memorandum of the 28th February any ground for the hope expressed on the Swedish side of a change in the British practice. From the Swedish point of view, this only lends additional force to the objections which the



suggested postponement of a recourse to arbitration until after the war has encountered.

As to the suggestion put forward from the British side that a solution should be sought in legal process, *i.e.*, that the decision of a British prize court should be invoked, the King's Government beg to submit the following considerations:—

Firstly, experience has proved that—owing to circumstances of which the Swedish Government refrain from judging—the decisions of the British prize courts are, as a rule, not given for a very considerable time. So far as the Swedish Government are aware, none of the pending cases concerning the seizure of goods belonging to Swedish subjects have as yet been finally decided.

Secondly, the counsel representing the Government of His Britannic Majesty has maintained in the Prize Court that the court has no power to decide on the validity under international law of orders given by the Government of His Britannic Majesty, which applied in a case brought before it by the British military or other authorities. If this doctrine is upheld, there is evidently, however highly one may think of the spirit, learning, and impartiality of the Prize Court, no hope of success for a claim based upon the invalidity of such orders under international law.

Thirdly, the questions now at issue involve important points which could not be the subject of a direct decision by the Prize Court, and which could hardly be taken indirectly into consideration by the court among the grounds for a decision. If the King's Government are correctly informed, that court has to consider only such questions as have been brought before it by some British authority, and this has up to now not been the case so far as concerns, among other things, the British measures against the mails from Sweden to the United States of America.

These objections notwithstanding, the King's Government have welcomed with sincere satisfaction the suggestion of a friendly solution of present and future difficulties which is expressed in the statement that the British Government declare themselves "ready to refer to arbitration, after the conclusion of the war, any question in which, in the opinion of the Royal Swedish Government, Swedish claims have not been justly dealt with by a judgment of the British Prize Court."

Referring to this statement, as well as to the arbitration conven-



tion in force between the two countries, the principles of which, in fact, the said statement merely translates into practice, the King's Government express the hope that an agreement will soon be arrived at recognizing explicitly that Sweden has the right to submit, after the war, to a court of arbitration, in accordance with the Hague Convention for the Pacific Settlement of International Disputes, the following questions, viz.:—

The questions mentioned in the Swedish note of the 11th February, 1916, as well as such questions of the same nature as have since arisen or may arise; it being, however, understood that cases which have been or may be brought before a British prize court shall not be referred to arbitration until the judgment of the prize court shall have been given; and

Generally speaking, all cases touching the interests of Sweden or of Swedish subjects which have been or may be decided in connection with the present war by a British prize court, and in respect to which the King's Government may consider that they have reason to be dissatisfied with the judgment.

Provided that such an agreement can be arrived at, the King's Government are ready to release immediately the parcels mails now detained in Sweden with a view to their being forwarded by the usual route. In case British action of the kind which led to this detention should continue, the King's Government must reserve the right to take such counter-measures as the circumstances may demand. They must accordingly point out how desirable it is, in order to avoid new causes for mutual irritation, that the Government of His Britannic Majesty should discontinue such measures.

The King's Government hope His Britannic Majesty's Government will recognize that they have not only proved their good-will in desiring to remove anything standing in the way of good relations between the two countries, but that they have, so far as depended on them, also shown every consideration reasonably to be expected for the particular interests which have suffered through the detention in Sweden of parcels mails in transit.

I have, &c.

WOLLMAR BOSTRÖM.

## No. 12

*Sir Edward Grey to Count Wrangel*FOREIGN OFFICE, *April 25, 1916.*

Sir,

I have the honor to acknowledge the receipt of your note of the 13th March regarding the detention of the parcels mail.

Before proceeding to a general expression of the policy of His Majesty's Government on this subject, I desire to deal with one point as to which your note reveals some misapprehension. In paragraph 8 of that note, you are good enough to state that the arguments recently presented on behalf of the Crown to the Prize Court preclude any possibility of a claim based upon the invalidity in international law of the Orders in Council being successfully made before that court. In order to remove any misapprehension which may exist in the mind of the Swedish Government on this point, I have the honor to transmit herewith a copy of a note addressed to the United States Ambassador on the 31st July last,<sup>2</sup> which makes it clear that the attitude of His Majesty's Government is not that attributed to them in your note. To my declaration thus made to the United States Ambassador His Majesty's Government adhere.

There is one further point to which I must refer. You are good enough to refer in the 11th paragraph of your note to the arbitration convention in force between Great Britain and Sweden. I must point out that this convention is not a general one stipulating for the reference to arbitration of all cases in which a dispute exists between the two countries. It specifically recognizes exceptions in the cases of matters involving the vital interests of either party, and I can conceive of no question more clearly partaking of this nature than the conduct of naval operations by the Allied Governments against their enemies in the present war.

Having dealt with these points, I wish to proceed in a spirit of conciliation to consider the general proposals put forward in your note in their relation to the policy consistently laid down by His Majesty's Government throughout the present discussion. In order to do so, it will be convenient to review the history of that discussion.

<sup>2</sup> See "Misc., No. 14 (1916)," No. 10; Special Supplement to this JOURNAL, July, 1915, p. 163.

On the 18th December last you very courteously protested against the detention of the parcels mails on board the steamships *Hellig Olaf* and *Stockholm*, and on the 27th of the same month you made a similar protest in regard to the removal of the parcels mails from certain other vessels. On the 1st January I was obliged to point out to you that I did not understand the grounds on which the contention of the Swedish Government was based, seeing that parcels mails were not entitled to any special treatment differing from that accorded to any other part of the cargo of neutral ships. On the 21st January you were good enough to answer this note, alleging that His Majesty's Government had violated certain various international agreements by their action.

In replying to this on the 31st January I had the honor to repudiate this charge, and to express the absolute confidence of His Majesty's Government in the justice of the British prize courts. With a sincere desire, however, to meet the Swedish Government, I made an offer in the following terms:

If, nevertheless, a neutral Government were to consider that the result of any particular judgment of the British Prize Court had in practice failed to give proper redress to one of their subjects, His Majesty's Government would be quite ready to listen sympathetically to any diplomatic representations on the subject, and they do not exclude the possibility of settling the controversy by some reference to arbitration after the war.

This offer was referred to by His Majesty's Minister at Stockholm in his note of the 28th February in a passage which you are good enough to quote in the tenth paragraph of your communication under reply. That passage must be read in conjunction with the last paragraph of Sir E. Howard's note, which makes it clear that the cases to be referred to arbitration must be specific decisions of the British Prize Court, actually delivered, and both passages must be interpreted by the terms of the offer to which they refer, which I have quoted above, and which remains the final offer of His Majesty's Government. It is not one which they can extend at the present time. Indeed, it requires neither extension nor explanation, for it has already been made to other Governments besides the Swedish Government, as you will observe from the conclusion of paragraph 6 of the note to the United States Ambassador enclosed herein.

The above sketch of the history of this discussion will make it clear that the question which His Majesty's Government believe

themselves to be discussing is the detention of the parcels mails carried by Swedish ships, and not a test case involving the whole naval policy of His Majesty's Government and of the Allies in the present war. In the case of one of the vessels on which this controversy originally arose, viz., the *Stockholm*, the mails were forwarded to their destination, and no question of a prize court decision can therefore arise thereon. With regard to the other cases, His Majesty's Government regard them, once they have been adjudicated by the court, as subject to, and as safeguarded by, the general offer stated above. But His Majesty's Government are, in these particular cases, prepared to go further, and, as an exceptional proceeding arising out of their desire to be friendly to Sweden, they are ready to apply this offer specifically in advance of the decision of the court to the parcels awaiting adjudication in the instances under discussion. They are ready to agree formally that, if the Swedish Government consider themselves aggrieved by the future decision of the Prize Court with respect to these parcels, they will submit that decision to arbitration after the war, provided the Swedish Government now release the parcels mails in transit for Russia.

This is the final extent of the arrangement which His Majesty's Government are prepared to offer in settlement of the present discussion. As against this, the Swedish Government have considered themselves justified in demanding, first, that His Majesty's Government shall undertake to submit to arbitration after the war any question which the Swedish Government may desire so to submit; and, secondly, that meanwhile His Majesty's Government shall relinquish for the remainder of the war those very rights the exercise of which is to form the subject-matter of the contemplated arbitration. His Majesty's Government must confine themselves to the specific offer which they have made thereon. They do not admit the illegality of their action, nor can they give any promise limiting the future exercise of their belligerent rights.

I have, &c.

E. GREY.

## No. 13

*Note verbale handed by His Majesty's Minister at Stockholm to the  
Swedish Minister for Foreign Affairs*

His Britannic Majesty's Minister was asked some time ago to give an interpretation of the precise meaning of the note addressed to the Swedish Minister in London on the 25th of April last, upon the subject of the detention of the parcel post.

The interpretation was given verbally, but Sir E. Howard is now authorized to state that the views of His Majesty's Government agree substantially with those which he then gave as to the meaning of the note. The construction to be placed upon the note is, therefore, as follows:

1. The offer therein made to the Royal Swedish Government respecting arbitration applies only to disputes about parcels mails carried on Swedish vessels.

2. As a general rule, His Majesty's Government could only entertain a proposal for arbitration in such cases, subject to the following conditions:

(a) That the decision of the Prize Court should have been previously given.

(b) That the Royal Swedish Government shall be dissatisfied with such decision.

(c) That diplomatic discussion between the Governments shall have led to a settlement satisfactory to both parties.

3. In the case, however, of the steamship *Hellig Olaf*, His Majesty's Government are prepared to consent forthwith to arbitration after the war upon the question of the parcels mails carried by this ship, if the Royal Swedish Government should find themselves dissatisfied with the Prize Court decision, which will be given in the case of these parcels mails.

Although no mention was made in the note above referred to, to the Anglo-Russian parcels detained by the Royal Swedish Government in transit through Sweden, Sir E. Howard has the honor to add that, in view of the conciliatory attitude shown by the British Government in this matter, it is anticipated that the Royal Swedish Government will not object to refer to arbitration any claims which

may be put forward by His Majesty's Government arising out of the detention of these parcels in Sweden, if such claims shall not previously have been settled by diplomatic discussions.

STOCKHOLM, *June 5, 1916.*

No. 14

*Sir Edward Grey to Count Wrangel*

FOREIGN OFFICE, *June 19, 1916.*

Sir,

On the 25th April I had the honor to address a note to you regarding the contentions advanced by your Government against the action of His Majesty's Government in detaining for examination the parcels mails from Swedish ships.

I feel obliged to draw your attention to the fact that His Majesty's Government have as yet received no satisfaction in regard to the parcels mails from Great Britain in transit for Russia which have now been detained for months by the Swedish Government. I have already pointed out that this action is wholly illegal. These mails have been detained by the Swedish Government in contravention generally of the principles of international law, and specifically of the agreement between the British and Swedish Post Offices of the 10th and 26th May, 1904, and the only pretext on which it is sought to justify this breach of the agreement and of the law of nations is that it is a retaliation for the action of His Majesty's Government in exercising the belligerent right of examining parcels mails carried on Swedish ships.

As it is admitted by all neutral Governments that parcels mails are not entitled to any special immunities from the laws governing the naval action of belligerent Powers in regard to merchandise on the high seas, this pretext cannot be regarded as worthy of serious attention either by His Majesty's Government or by any impartial person in neutral countries.

His Majesty's Government must therefore demand that the Swedish Government shall without further delay release the parcels mails which they have detained, and I must further give notice that His Majesty's Government will claim damages for the loss suffered by British subjects owing to the action of the Swedish Government.

I have, &c.

E. GREY.

## No. 15

*Count Wrangel to Sir Edward Grey. — (Received June 30)*  
(Translation)

SWEDISH LEGATION, London, *June 29, 1916.*

Sir,

Under instructions from my Government, I have the honor to transmit the following communication which has been sent to me by telegraph from Stockholm:

"In their note of the 25th April the British Government gave their views concerning questions connected with the detention of certain postal parcels. This note has been explained by a *note verbale* communicated by Sir Esmé Howard on the 6th June. In the view of the Swedish Government it appears impossible to reconcile the contents of these documents with the terms of the declarations previously made by the British Government on the subject of the recourse to arbitration. The Swedish Government had especially relied upon the declarations made in a telegram from Sir Edward Grey to the British Legation at Stockholm, which were communicated to the Swedish Government on the 28th February. In this telegram no allusion is to be found to certain restrictions which have now been laid down. If the promises of the British Government went beyond what was contained in the British note of the 31st January, the King's Government might conclude that the British Government were fully entitled to give a wide interpretation to this note, which, moreover, in the passage in question, does not limit itself to postal packets or to Swedish vessels. The King's Government still believe that these promises were not in harmony with the spirit of the existing arbitration convention. Even if the measures taken against neutrals could be described as 'conduct of naval operations by the Allied Governments against their enemies,' an arbitral award which would not be pronounced till after the conclusion of peace could in no way imperil the vital interests of a country no longer at war. On the other hand, the King's Government take note with satisfaction of the declaration made in the note of the 25th April, to the effect that the validity of the Orders in Council according to international law can be successfully contested before the Prize Court. The final result obtained in the case of the *Zamora* is thus confirmed by the British Government.



Further, the King's Government note with satisfaction that though limiting the scope of the special offer made in the note of the 25th April, the explanatory *note verbale* does not in any way affect the reference made in the above note to the general offer of arbitration addressed to other neutral Governments.

"In these circumstances, the King's Government do not wish to lay stress on the inadequacy of the special offer, and are prepared to accept the actual proposals of the British Government. In doing so they wish it to be expressly understood that they adhere entirely to their point of view with regard to the measures taken both by them and by the British authorities. The repeal of the order which had brought about the actual detention of certain postal parcels does not therefore imply the resumption of the transmission of postal parcels in general, but only that the parcels so detained will be forwarded to their destination, provided that there is no obstacle to this in the general prohibitions as to the export and transit of certain commodities. So long as the British Government maintains the measures, of which the Swedish Government is entitled to complain, with regard to postal parcels and postal correspondence, the King's Government do not see their way to renew permission for this transit, and must reserve to themselves the right to take other measures, should necessity arise.

"The Swedish Government hope, however, that such measures will not become necessary, and that the British Government will in certain respects act in the same conciliatory spirit as has inspired the King's Government in accepting the British proposals and in thus eliminating a cause of complaint, and as it appears, of irritation. There is, indeed, no lack of occasions for displaying towards Sweden this spirit, which is so greatly to be desired in the interest of good relations between the two countries."

I avail, &c.

WRANGEL.

No. 16

*Sir Edward Grey to Count Wrangel*

FOREIGN OFFICE, *July 6, 1915.*

Sir,

I have the honor to acknowledge the receipt of your note of the 29th June, in which you convey to me the reply of the Swedish Gov-



ernment to the recent communications from His Majesty's Government in regard to the detention of mails.

In reply to your note, I have the honor to point out that the refusal of the Swedish Government to transit further parcels mails between the United Kingdom and Russia is a violation of the agreement concluded between the British and Swedish Post Offices in 1904 concerning the direct exchange of parcels by parcels post. This refusal, therefore, renders the present proposal of the Swedish Government entirely unsatisfactory as a reply to the demand which I had the honor to make in my communication of the 19th June.

While, therefore, taking note of the promise of the Swedish Government to release the parcels at present detained by them, I have the honor to inform you that unless the Swedish Government engage to carry out their obligations under the agreement of 1904 in the case of future parcels dispatched from the United Kingdom or from Russia through Sweden, His Majesty's Government must withdraw all the offers of arbitration they have made.

His Majesty's Government maintain all their rights under the agreement of 1904, and especially the right to claim damages under Article 13, which they now hereby claim, together with such additional damages, over and above the sums provided for in that article, as may be due under the general provisions of international law and the requirements of international comity.

I have, &c.

E. GREY.

No. 17

*Count Wrangel to Sir Edward Grey. — (Received July 25)*

(Translation)

SWEDISH LEGATION, London, *July 24, 1916.*

Sir,

In reply to the notes which your Excellency was good enough to address to me on the 19th ultimo and the 6th instant, concerning the detention of certain postal packets, arbitration, &c., I have been authorized to make the following communication to you:

In a note dated the 19th June, 1916, you asked in the name of your Government that the King's Government should release, without further delay, the postal packets detained in Sweden by the order

of the 16th December, 1915. At the same time, you announced the intention of the British Government to claim such damages as might be due to British subjects as a result of this measure.

Before this note could reach Stockholm, the King's Government had decided to reply in the affirmative to the British notes of the 25th April and 5th June, simply accepting the proposals formulated therein. Sir Esme Howard had been informed of this decision, which had even been put into execution by orders given to the Postal Administration. In these circumstances, the demand made in the note of the 19th June seemed to have no further object, and it appeared useless to start a discussion on the motives that the British Government thought it necessary to invoke in support of this demand.

The King's Government have taken note with surprise of the communication dated the 6th July which I have already had the honor of acknowledging. The King's Government had the right to believe that as the British proposals regarding arbitration and the release of the postal packets detained in Sweden had been accepted by the Swedish Government without reserve, nothing remained but to give a more official form to the convention which was virtually concluded, a task that could not have been difficult. They therefore did not hesitate to proceed immediately with the release of the postal packets which had been detained.

The British Government, on their part, thought themselves entitled to subordinate the acceptance of the Swedish "proposal" to the condition that the King's Government would engage to carry out the obligations arising from the agreement come to in 1904 between the Swedish and British Postal Administrations, by permitting in future the transit of postal parcels between the United Kingdom and Russia.

This is a new condition. It was neither put forward nor mentioned anywhere in the correspondence regarding arbitration. On the contrary the King's Government expressed on more than one occasion their hope that the British Government would, by ceasing the disputed measures, save them the necessity of resorting to retaliation. This hope does not appear to be realized. The British Government having preferred to retain their liberty of action cannot be surprised at the Swedish Government claiming for themselves the same liberty. It must be remembered that the consignments in question have in fact completely ceased for several months, the postal parcels having been sent by other routes.

Besides, the condition laid down is of a nature to completely prejudice the arbitration, which would be nothing more than an empty form. If the King's Government were to admit that the agreement of 1904 prevents them from refusing the transit of postal parcels in the circumstances in question, the case to be laid before the court of arbitration would be decided in advance.

Finally, it goes without saying that no independent Government could renounce, for future and indefinite contingencies, its right to take necessary measures, should occasion arise. What can be conceded is that the special case which is submitted to an arbitral tribunal will not be made the occasion of new measures. The King's Government, in order to give a fresh proof of their conciliatory spirit, are even prepared to declare that they will not have recourse to retaliation on account of the measures, which have or may have been taken, as they believe illegally, by the British authorities with regard to postal communications, up to the time of the delivery of this note. The King's Government earnestly hope that the British Government will appreciate this concession, and will find no obstacles to prevent them proceeding with the agreement on the subject of arbitration.

With regard to the question of damages claimed by the British Government, the King's Government think they may confine themselves for the present to declaring that in their opinion these claims must be considered in connection with corresponding Swedish claims, and that they will clearly depend in the last resort on the legality of the British measures which have, or may have, provoked, on the part of Sweden, the retaliation in question.

The King's Government propose, should the occasion arise, to publish the whole correspondence concerning the detention of postal parcels and the question of arbitration. This publication may be necessary to give the Swedish public an opportunity of forming a correct opinion as to the action of the King's Government in this matter. The King's Government recall the fact that the British Government have several times expressed a desire for the publication of the documents bearing on the subject, and that the King's Government have never opposed it.

I avail, &c.

WRANGEL

## No. 18

*Viscount Grey to Count Wrangel*FOREIGN OFFICE, *August 2, 1916.*

Sir,

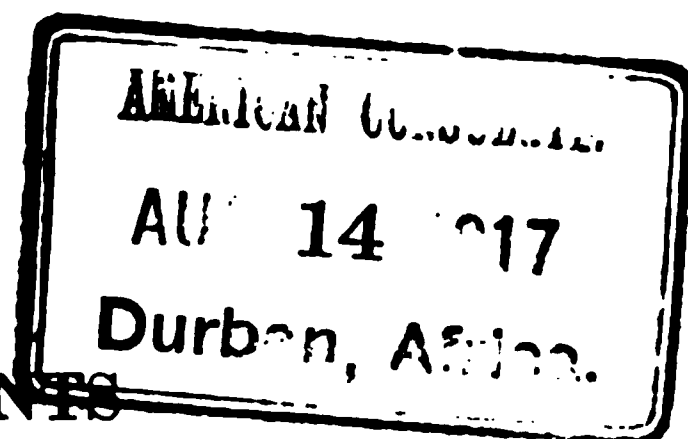
I have the honor to acknowledge the receipt of your note of the 24th July, in which you convey the reply of the Swedish Government to my notes of the 19th June and 6th July regarding the question of the parcels mails.

I have the honor to inform you that, if and so long as the Swedish Government forward parcels between the United Kingdom and Russia and elsewhere in the regular way, and otherwise carry out the Post Office Agreement of 1904, the offers of arbitration made in my note of the 25th April, as interpreted by the *note verbale* handed to the Swedish Government by His Majesty's Minister at Stockholm on the 5th June, will remain open.

With regard to the considerations urged in the 6th paragraph of your note under reply, I have the honor to inform you that His Majesty's Government merely ask for a statement whether the Swedish Government will henceforward cease to interfere with the transit of all parcels despatched to or from the United Kingdom across Sweden. I should be glad to receive an answer to this question as soon as possible, and I trust that on receipt of it our two Governments may be able to regard this correspondence as closed and the questions at issue as finally settled.

I have, &amp;c.

GREY OF FALLODON.



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## OFFICIAL DOCUMENTS

### FINAL ACT OF THE HAVANA MEETING OF THE AMERICAN INSTITUTE OF INTERNATIONAL LAW

The Second Meeting of the American Institute of International Law, founded at Washington in 1912, with the object of propagating in America the principles of justice and law which ought to prevail in the relations between States, took place by invitation of the Government of the Republic of Cuba, in the City of Havana, from January 22 to January 27, 1917. The meeting was held under the auspices of the Cuban Society of International Law, there being present members of the Institute and delegates of other Societies of International Law affiliated thereto. At the session held on the 27th it was unanimously resolved to insert in the present Final Act the result of the proceedings of the Second Meeting.

### RECOMMENDATIONS OF HAVANA

At the session held by the Institute on January 23d, on motion of the President of the Institute, Mr. James Brown Scott, there were unanimously approved ten recommendations on "International Organization," which shall henceforward be known as "The Recommendations of Havana," the text of which is as follows:

*Recommendations of Havana, adopted by the American Institute of International Law, at its session held in Havana, Republic of Cuba, on January 23, 1917.*

*Whereas* the independent existence of civilized nations and their solidarity of Interests under the conditions of modern life has resulted in a society of nations; and

*Whereas* the safety of nations and the welfare of their peoples depend upon the application to them of principles of law and equity in their mutual relations as members of civilized society; and

*Whereas* the law of nations can best be formulated and stated by the nations assembled for this purpose in international conferences; and

*Whereas* it is in the interest of the society of nations that international agreements be made effective by ratification and observance on all

occasions, and that some agency of the society of nations be constituted to act for it during the intervals between such conferences; and

*Whereas* the principles of law and equity can best be ascertained and applied to the disputes between and among the nations by a court of justice accessible to all the independent powers forming the society of civilized nations;

*Therefore* the American Institute of International Law, at its second session, held in the City of Havana, in the Republic of Cuba, on the 23d day of January, 1917, adopts the following recommendations, to be known as its *Recommendations of Havana*.

1. The call of a Third Hague Conference to which every country belonging to the society of nations shall be invited and in whose proceedings every such country shall participate.

2. A stated meeting of the Hague Peace Conference which, thus meeting at regular, stated periods, will become a recommending if not a law-making body.

3. An agreement of the States forming the society of nations concerning the call and procedure of the Conference, by which that institution shall become not only internationalized, but in which no nation shall take a preponderating part.

4. The appointment of a committee, to meet at regular intervals between the Conferences, charged with the duty of procuring the ratification of the Conventions and Declarations and of calling attention to the Conventions and Declarations in order to insure their observance.

5. An understanding upon certain fundamental principles of international law, as set forth in the Declaration of the Rights and Duties of Nations adopted by the American Institute of International Law at its first annual meeting held in Washington, on January 6, 1916.

6. The creation of a permanent international council of conciliation to consider, to discuss, and to report upon such questions of a non-justiciable character as may be submitted to such council by an agreement of the powers for this purpose.

7. The employment of good offices, mediation and friendly composition for the settlement of disputes of a non-justiciable nature.

8. The principle of arbitration in the settlement of disputes of a non-justiciable nature; also of disputes of a justiciable nature which have, through delay or mismanagement, assumed such political importance that the nations prefer to submit them to arbiters of their own choice rather than to judges of a permanent judicial tribunal.



9. The negotiation of a convention creating a judicial union of the nations along the lines of the Universal Postal Union of 1908, to which all civilized nations and self-governing dominions are parties, pledging the good faith of the contracting parties to submit their justiciable disputes — that is to say, their differences involving law or equity — to a permanent court of this union, whose decisions will bind not only the litigating nations, but also all parties to its creation.

10. The creation of an enlightened public opinion in behalf of peaceable settlement in general, and in particular in behalf of the foregoing nine propositions, in order that, if agreed to, they may be put into practice and become effective, in response to the appeal to that greatest of sanctions, “a decent respect to the opinion of mankind.”

### PROJECTS AND PROPOSALS

The Institute, further resolved to refer to the consideration of the National Societies of International Law affiliated thereto the following projects and proposals submitted by the Secretary General, Señor Alejandro Alvarez (except the project concerning the Bases relating to the organization of a Court of Arbitral Justice, which was submitted by Mr. James Brown Scott):

#### A. PROJECT RELATING TO THE FUNDAMENTAL BASES OF INTERNATIONAL LAW:

The Institute, desirous of arriving at a uniformity of views on the elaboration of the final project, requests the National Societies affiliated thereto to consider, among others, the following questions:

1. Future field of action of international law;
2. Extension of legal rules;
3. Sources of legal rules;
4. Development of legal rules, or their application to cases not specially provided for;
5. Sanctions of legal rules;
6. The rights of persons or of associations, which it may be advisable to recognize internationally.

#### B. PROJECT RELATING TO THE FUNDAMENTAL RIGHTS OF THE AMERICAN CONTINENT OR AMERICAN WORLD:

As regards this project the Institute calls the attention of the National Societies to the following questions:

Should the American Republics affirm, as a basis of international organization in their relations with the States of other Continents, that the integrity and the sovereignty of the countries which constitute the American Continent or American World should be maintained; and, if so, should they declare themselves jointly and separately responsible for the maintenance of these principles?

**C. PROJECT FOR THE REGULATION OF NEUTRALITY IN NAVAL WAR:**

On this matter the Institute earnestly recommends to the affiliated Societies the special consideration of the following questions:

1. Should the rights of neutrals always take precedence of those of belligerents — that is to say, should belligerents, in the conduct of warlike operations, always respect the rights of neutrals — and, if so, what are the most appropriate methods of enforcing these rights?

2. In connection with the same subject:

(a) Would it be advisable to establish a league of neutrals?

(b) Should the commercial blockade of belligerent ports be prohibited?

(c) Should the inviolability of private property at sea be declared?

(d) Should the right of visit be abolished?

(e) Should censorship of the mails be prohibited?

(f) What measures can be taken to insure the free commerce of neutrals between themselves or with belligerents?

(g) Would it be advisable, in case of war, to exclude all belligerent war vessels from the territorial waters of the neutral countries?

**D. BASES RELATING TO THE ORGANIZATION OF A COURT OF ARBITRAL JUSTICE:**

On this matter the Institute calls the attention of the National Societies to the following questions:

1. Should an International Court of Justice be created, whose duty it would be to settle the differences of a legal nature which may arise between nations; and, if so, would it be advisable that such a court were a continental or a world court?

2. Would it be advisable to establish the said court, whether a world or a continental court, taking as a basis the organization of the Supreme Court of the United States and the projects submitted to the Second International Peace Conference of the Hague?

**E. UNION OR LEAGUE OF NATIONS FOR THE MAINTENANCE OF PEACE:**

On this matter of capital importance at the present moment the Institute consults the National Societies upon the following questions:

1. Would it be advisable to create a "Union or League of States" intended to prevent conflicts of a political character or obtain their pacific settlement, or to promote closer relations among the States which shall constitute it?
2. Would it be advisable that such organization, league, or union should be international or continental?
3. Would it be advisable, in case of the creation of such a union or league, that it should be limited to attaining an agreement between the parties, or should its powers extend to dictate a settlement?
4. In case of dictating a settlement, should the league seek to enforce it only by its moral authority; or should it impose it by force, and what should be the procedure in such a case?
5. Possibility and convenience of universal disarmament, or at least of the limitation of naval and land armaments.

**F. RIGHTS AND DUTIES OF NATIONS WHICH ARE DERIVED FROM THE FUNDAMENTAL RIGHTS:**

The Institute at its first meeting adopted a "Declaration of the Rights and Duties of Nations," and considers that the moment has arrived for determining what are the consequences and corollaries of the said fundamental rights. In regard to this very important matter, the Institute calls the attention of the affiliated Societies to the question whether it would be advisable to state and, in such case, to explain what would be the limits of the following rights:

1. Right of necessity.
2. Right of peoples to their free development.
3. Right of intervention.
4. Diplomatic claims, and specially claims referring to the protection of citizens abroad.
5. What should be the duties of States?
6. How shall be affirmed and consecrated henceforward the notion of the solidarity among the States and that of the general interests which bind them together?

*Resolutions*

The Institute unanimously adopted the following resolutions:

## I

On motion of Messrs. Anderson and Matos:

A vote of sympathy to the Central American Court of Justice, the first Permanent Court of Arbitral Justice in the world, created by the convention concluded on December 20, 1907, among the Republics of Costa Rica, Guatemala, Salvador, Honduras, and Nicaragua, recommending its maintenance and prestige, which are guarantees of peace among the Central American Republics.

A vote of appreciation was also accorded to Dr. Luís Anderson and Dr. Antonio Batres Jáuregui, two distinguished charter members of the Institute, who subscribed as Plenipotentiaries of their respective countries, the convention creating the said court.

## II

That the present war, which already involves a great portion of the European continent and in which all peoples, including the neutral nations, are so deeply concerned, may end in the near future, and that the peace soon to be concluded may be permanent, based upon the principles of equity and law, upon which rest the safety of States and the welfare of their peoples.

## III

In closing its sessions the Institute expresses its profound gratitude to the President of the Republic, the government, the people of Cuba, and the Cuban press, for the exquisite hospitality with which they welcomed the members thereof, as well as to all those who have shown it courtesies, and to the delegates of the National Societies who attended the meeting. The Institute also expresses its gratitude to the Senate, House of Representatives, Mayor, and Board of Aldermen of Havana for the courteous welcome which they were kind enough to extend to its members. Finally, the Institute expresses its appreciation of and extends its congratulations to the Cuban National Society, as well as to the students of the University, who so largely contributed to the success of the meeting.

## IV

The Institute sends cordial greetings to its absent members and a vote of thanks to the many distinguished persons who have aided the

Secretary General in the performance of his functions during this meeting.

*Special Resolution*

Finally, the Institute unanimously adopted the following special resolution: *Whereas* it is advisable that the annual meetings of the Institute shall be held in different cities of America, according to the order in which these cities may extend their invitations, as in this way, by direct contact with the reality of things and with the Societies of those countries, the ideas and interests of the American Continent can best be interpreted and defined.

Accepting with great pleasure the cordial invitation of the Government of the Oriental Republic of Uruguay, the Institute resolves to hold its next meeting in the city of Montevideo during the year 1918, at such time as shall be agreed upon with the Government and the Uruguayan Society of International Law.

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CONVENTION BETWEEN THE UNITED STATES AND DENMARK PROVID-  
ING FOR THE CESSION OF WEST INDIES <sup>1</sup>

*Signed at New York, August 4, 1916; ratifications exchanged  
January 17, 1917*

(Together with an accompanying exchange of notes.)

THE United States of America and His Majesty the King of Denmark being desirous of confirming the good understanding which exists between them, have to that end appointed as Plenipotentiaries:

The President of the United States:

Mr. Robert Lansing, Secretary of State of the United States,

And His Majesty the King of Denmark:

Mr. Constantin Brun, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington,

Who, having mutually exhibited their full powers which were found to be in due form, have agreed upon the following articles:

ARTICLE 1.

His Majesty the King of Denmark by this convention cedes to the United States all territory, dominion and sovereignty, possessed,

<sup>1</sup> U. S. Treaty Series, No. 629.

asserted or claimed by Denmark in the West Indies including the Islands of Saint Thomas, Saint John and Saint Croix together with the adjacent islands and rocks.

This cession includes the right of property in all public, government, or crown lands, public buildings, wharves, ports, harbors, fortifications, barracks, public funds, rights, franchises, and privileges, and all other public property of every kind or description now belonging to Denmark together with all appurtenances thereto.

In this cession shall also be included any government archives, records, papers or documents which relate to the cession or the rights and property of the inhabitants of the islands ceded, and which may now be existing either in the islands ceded or in Denmark. Such archives and records shall be carefully preserved, and authenticated copies thereof, as may be required shall be at all times given to the United States Government or the Danish Government, as the case may be, or to such properly authorized persons as may apply for them.

#### ARTICLE 2.

Denmark guarantees that the cession made by the preceding article is free and unencumbered by any reservations, privileges, franchises, grants, or possessions, held by any governments, corporations, syndicates, or individuals, except as herein mentioned. But it is understood that this cession does not in any respect impair private rights which by law belong to the peaceful possession of property of all kinds by private individuals of whatsoever nationality, by municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the islands ceded.

The congregations belonging to the Danish National Church shall retain the undisturbed use of the churches which are now used by them, together with the parsonages appertaining therunto and other appurtenances, including the funds allotted to the churches.

#### ARTICLE 3

It is especially agreed, however, that:

(1) The arms and military stores existing in the islands at the time of the cession and belonging to the Danish Government shall remain the property of that government and shall, as soon as circumstances will permit, be removed by it, unless they, or parts thereof, may have

been bought by the Government of the United States; it being however understood that flags and colors, uniforms and such arms or military articles as are marked as being the property of the Danish Government shall not be included in such purchase.

(2) The movables, especially silver plate and pictures which may be found in the government buildings in the islands ceded and belonging to the Danish Government shall remain the property of that government and shall, as soon as circumstances will permit, be removed by it.

(3) The pecuniary claims now held by Denmark against the colonial treasuries of the islands ceded are altogether extinguished in consequence of this cession and the United States assumes no responsibility whatsoever for or in connection with these claims. Excepted is however the amount due to the Danish Treasury in account current with the West-Indian colonial treasuries pursuant to the making up of accounts in consequence of the cession of the islands; should on the other hand this final accounting show a balance in favor of the West-Indian colonial treasuries, the Danish Treasury shall pay that amount to the colonial treasuries.

(4) The United States will maintain the following grants, concessions and licenses, given by the Danish Government, in accordance with the terms on which they are given:

a. The concession granted to "Det vestindiske Kompagni" (the West-Indian Company) Ltd. by the communications from the Ministry of Finance of January 18th, 1913, and of April 16th, 1913, relative to a license to embank, drain, deepen and utilize certain areas in St. Thomas harbor and preferential rights as to commercial, industrial or shipping establishments in the said harbor.

b. Agreement of August 10th and 14th, 1914, between the municipality of St. Thomas and St. John and "Det vestindiske Kompagni" Ltd. relative to the supply of the city of Charlotte Amalie with electric lighting.

c. Concession of March 12th, 1897, to "The Floating Dock Company of St. Thomas Ltd.," subsequently transferred to "The St. Thomas Engineering and Coaling Company Ltd." relative to a floating dock in St. Thomas harbor, in which concession the maintenance, extension, and alteration of the then existing repairing slip are reserved.

d. Royal Decree Nr. 79 of November 30th, 1914, relative to the subsidies from the colonial treasuries of St. Thomas and Sainte Croix to "The West India and Panama Telegraph Company Ltd."



e. Concession of November 3d, 1906, to K. B. Hey to establish and operate a telephone system on St. Thomas Island, which concession has subsequently been transferred to the "St. Thomas Telefonselskab" Ltd.

f. Concession of February 28th, 1913, to the municipality of Sainte Croix to establish and operate a telephone system in Sainte Croix.

g. Concession of July 16th, 1915, to Ejnar Svendsen, an engineer, for the construction and operation of an electric light plant in the city of Christiansted, Sainte Croix.

h. Concession of June 20th, 1904, for the establishment of a Danish West-Indian bank of issue. This bank has for a period of 30 years acquired the monopoly to issue bank-notes in the Danish West-India islands against the payment to the Danish Treasury of a tax amounting to ten per cent of its annual profits.

i. Guarantee according to the Danish supplementary Budget Law for the financial year 1908-1909 relative to the St. Thomas harbor's four per cent loan of 1910.

(5) Whatever sum shall be due to the Danish Treasury by private individuals on the date of the exchange of ratifications are reserved and do not pass by this cession; and where the Danish Government at that date holds property taken over by the Danish Treasury for sums due by private individuals, such property shall not pass by this cession, but the Danish Government shall sell or dispose of such property and remove its proceeds within two years from the date of the exchange of ratifications of this convention; the United States Government being entitled to sell by public auction, to the credit of the Danish Government, any portion of such property remaining unsold at the expiration of the said term of two years.

(6) The colonial treasuries shall continue to pay the yearly allowances now given to heretofore retired functionaries appointed in the islands but holding no royal commissions, unless such allowances may have until now been paid in Denmark.

#### ARTICLE 4

The Danish Government shall appoint with convenient dispatch an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, and appurtenances which are ceded hereby, and for doing any other act which may be necessary in regard thereto.



Formal delivery of the territory and property ceded shall be made immediately after the payment by the United States of the sum of money stipulated in this convention; but the cession with the right of immediate possession is nevertheless to be deemed complete on the exchange of ratifications of this convention without such formal delivery. Any Danish military or naval forces which may be in the islands ceded shall be withdrawn as soon as may be practicable after the formal delivery, it being however understood that if the persons constituting these forces, after having terminated their Danish service, do not wish to leave the islands, they shall be allowed to remain there as civilians.

#### ARTICLE 5

In full consideration of the cession made by this convention, the United States agrees to pay, within ninety days from the date of the exchange of the ratifications of this convention, in the City of Washington to the diplomatic representative or other agent of His Majesty the King of Denmark duly authorized to receive the money, the sum of twenty-five million dollars in gold coin of the United States.

#### ARTICLE 6

Danish citizens residing in said islands may remain therein or may remove therefrom at will, retaining in either event all their rights of property, including the right to sell or dispose of such property or its proceeds; in case they remain in the islands, they shall continue until otherwise provided, to enjoy all the private, municipal and religious rights and liberties secured to them by the laws now in force. If the present laws are altered, the said inhabitants shall not thereby be placed in a less favorable position in respect to the above mentioned rights and liberties than they now enjoy. Those who remain in the islands may preserve their citizenship in Denmark by making before a court of record, within one year from the date of the exchange of ratifications of this convention, a declaration of their decision to preserve such citizenship; in default of which declaration they shall be held to have renounced it, and to have accepted citizenship in the United States; for children under eighteen years the said declaration may be made by their parents or guardians. Such election of Danish citizenship shall however not, after the lapse of the said term of one year, be a bar to their renunciation of their preserved Danish citizenship and their election of citizenship in the United States and admission to the

nationality thereof on the same terms as may be provided according to the laws of the United States, for other inhabitants of the islands.

The civil rights and the political status of the inhabitants of the islands shall be determined by the Congress, subject to the stipulations contained in the present convention.

Danish citizens not residing in the islands but owning property therein at the time of the cession, shall retain their rights of property, including the right to sell or dispose of such property, being placed in this regard on the same basis as the Danish citizens residing in the islands and remaining therein or removing therefrom, to whom the first paragraph of this article relates.

#### ARTICLE 7

Danish subjects residing in the islands shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the islands, pursuant to the ordinary laws governing the same, and they shall have the right to appear before such courts, and to pursue the same course therein as citizens of the country to which the courts belong.

#### ARTICLE 8

Judicial proceedings pending at the time of the formal delivery in the islands ceded shall be determined according to the following rules:

(1) Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right to review under Danish law, shall be deemed to be final, and shall be executed in due form and without any renewed trial whatsoever, by the competent authority in the territories within which such judgments are to be carried out.

If in a criminal case a mode of punishment has been applied which, according to new rules, is no longer applicable on the islands ceded after delivery, the nearest corresponding punishment in the new rules shall be applied.

(2) Civil suits or criminal actions pending before the first courts, in which the pleadings have not been closed at the same time, shall be confirmed before the tribunals established in the ceded islands after the delivery, in accordance with the law which shall thereafter be in force.

(3) Civil suits and criminal actions pending at the said time before the Superior Court or the Supreme Court in Denmark shall continue to be prosecuted before the Danish courts until final judgment according

to the law hitherto in force. The judgment shall be executed in due form by the competent authority in the territories within which such judgment should be carried out.

#### ARTICLE 9

The rights of property secured by copyrights and patents acquired by Danish subjects in the islands ceded at the time of exchange of the ratifications of this treaty, shall continue to be respected.

#### ARTICLE 10

Treaties, conventions, and all other international agreements of any nature existing between Denmark and the United States shall *eo ipso* extend, in default of a provision to the contrary, also to ceded islands.

#### ARTICLE 11

In case of differences of opinion arising between the high contracting parties in regard to the interpretation or application of this convention, such differences, if they cannot be regulated through diplomatic negotiations, shall be submitted for arbitration to the permanent Court of Arbitration at the Hague.

#### ARTICLE 12

The ratifications of this convention shall be exchanged at Washington as soon as possible after ratification by both of the high contracting parties according to their respective procedure.

In faith whereof the respective plenipotentiaries have signed and sealed this convention, in the English and Danish languages.

Done at New York this fourth day of August, one thousand nine hundred and sixteen.

[SEAL.]

[SEAL.]

ROBERT LANSING

C. BRUN

#### DECLARATION

In proceeding this day to the signature of the convention respecting the cession of the Danish West-Indian Islands to the United States of America, the undersigned Secretary of State of the United States of America, duly authorized by his government, has the honor to declare that the Government of the United States of America will not object to the Danish Government extending their political and economic interests to the whole of Greenland.

ROBERT LANSING.

New York, August 4, 1916.

## [EXCHANGE OF NOTES REGARDING U. S. SENATE PROVISOS]

*The Secretary of State to the Danish Minister*DEPARTMENT OF STATE,  
WASHINGTON, *January 3, 1917.*

SIR:

I have the honor to inform you that the Senate of the United States by its resolution of ratification has advised and consented to the ratification of the convention between the United States and Denmark, ceding to the United States the Danish West Indian Islands, with the following provisos:

"Provided, however, That it is declared by the Senate that in advising and consenting to the ratification of the said convention, such advice and consent are given with the understanding, to be expressed as a part of the instrument of ratification, that such convention shall not be taken and construed by the high contracting parties as imposing any trust upon the United States with respect to any funds belonging to the Danish National Church in the Danish West Indian Islands, or in which the said church may have an interest, nor as imposing upon the United States any duty or responsibility with respect to the management of any property belonging to said church, beyond protecting said church in the possession and use of church property as stated in said convention, in the same manner and to the same extent only as other churches shall be protected in the possession and use of their several properties. And provided further, that the Senate advises and consents to the ratification of the said convention on condition that the attitude of the United States in this particular, as set forth in the above proviso, be made the subject of an exchange of notes between the governments of the two high contracting parties, so as to make it plain that this condition is understood and accepted by the two governments, the purpose hereof being to bring the said convention clearly within the Constitutional powers of the United States with respect to church establishment and freedom of religion."

In view of this resolution of the Senate I have the honor to state that it is understood and accepted by the Government of the United States and the Government of Denmark that the provisions of this convention referring to the property and funds belonging to the Danish National Church in the Danish West Indian Islands shall not be taken

and construed by the high contracting parties as imposing any trust upon the United States with respect to any funds belonging to the Danish National Church in the Danish West Indian Islands, or in which the said church may have an interest nor as imposing upon the United States any duty or responsibility with respect to the management of any property belonging to said church, beyond protecting said church in the possession and use of church property as stated in said convention, in the same manner and to the same extent only as other churches shall be protected in the possession and use of their several properties.

I trust that your government will in a formal reply to this communication accept this understanding as to the meaning and construction of the provisions of said convention in accordance with the foregoing resolution of the Senate.

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT LANSING

Mr. CONSTANTIN BRUN,  
*Minister of Denmark.*

*The Danish Minister to the Secretary of State.*

THE DANISH LEGATION  
WASHINGTON, D. C.  
*January 3rd, 1917.*

SIR:

In reply to your communication of this day concerning the relation of the United States to the rights of the Established Church in the Danish West Indies and to the provisions referring to this point in the convention between the United States and Denmark ceding to the States the Danish Westindian Islands, I have the honor to state that it is understood and accepted by the Government of Denmark and the Government of the United States that the provisions of this convention referring to the property and funds belonging to the Danish National Church in the Danish Westindian Islands shall not be taken and construed by the high contracting parties as imposing any trust upon the United States with respect to any funds belonging to the Danish National Church in the Danish Westindian Islands or in which the said Church may have an interest nor as imposing upon the United States any duty or responsibility with respect to the management of

any property belonging to said church beyond protecting said church in the possession and use of church property as stated in said convention in the same manner to the same extent only as other churches shall be protected in the possession and use of their several properties.

It will be evident from the above that the Danish Government accept the understanding as to the meaning and construction of the provisions of the said convention in accordance with the resolution of the United States' Senate concerning the question of the rights of the Church in the islands.

I have the honor to be, Sir,

with the highest consideration,

Your most obedient and humble servant,

C. BRUN.

The Honorable

ROBERT LANSING,

*Secretary of State of the United States.*

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CONVENTION BETWEEN THE UNITED STATES AND GREAT  
BRITAIN FOR THE PROTECTION OF MIGRATORY BIRDS.<sup>1</sup>

*Signed at Washington, August 16, 1916; ratifications exchanged  
December 7, 1916.*

WHEREAS, Many species of birds in the course of their annual migrations traverse certain parts of the United States and the Dominion of Canada; and

Whereas, Many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both the United States and Canada, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless, have resolved to adopt some uniform system of protection which shall

<sup>1</sup> U. S. Treaty Series, No. 628.

effectively accomplish such objects and to the end of concluding a convention for this purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable Sir Cecil Arthur Spring Rice, G. C. V. O., K. C. M. G., etc., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

Who after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed to and adopted the following articles:

#### ARTICLE I

The high contracting powers declare that the migratory birds included in the terms of this convention shall be as follows:

1. Migratory Game Birds:

- (a) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae or rails, including coots, gallinules and sora and other rails.
- (d) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs.
- (e) Columbidae or pigeons, including doves and wild pigeons.

2. Migratory Insectivorous Birds:

Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks, or bull bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other Migratory Nongame Birds:

Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.



## ARTICLE II

The high contracting Powers agree that, as an effective means of preserving migratory birds, there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the limicolae or shorebirds in the Maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the high contracting Powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murres and puffins, and their eggs, for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

## ARTICLE III

The high contracting Powers agree that during the period of ten years next following the going into effect of this convention, there shall be a continuous close season on the following migratory game birds, to wit:—

Band-tailed pigeons, little brown, sandhill and whooping cranes, swans, curlew and all shorebirds except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs: provided that during such ten years the close seasons on cranes, swans and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this convention for the respective groups to which these birds belong.



## ARTICLE IV

The high contracting Powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

## ARTICLE V

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the high contracting Powers may severally deem appropriate.

## ARTICLE VI

The high contracting Powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation from the United States into the Dominion of Canada or from the Dominion of Canada into the United States, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

## ARTICLE VII

Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the high contracting Powers under suitable regulations prescribed therefor by them respectively, but such permits shall lapse, or may be cancelled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold or offered for sale.

## ARTICLE VIII

The high contracting Powers agree themselves to take, or propose to their respective appropriate law-making bodies, the necessary measures for insuring the execution of the present convention.

## ARTICLE IX

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for fifteen years and in the event of neither of the high contracting Powers having given notification, twelve months before the expiration of said period of fifteen years, of its intention of terminating its operation, the convention shall continue to remain in force for one year and so on from year to year.

In faith whereof, the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their seals.

Done at Washington this sixteenth day of August, one thousand nine hundred and sixteen.

[SEAL.]

ROBERT LANSING.

[SEAL]

CECIL SPRING RICE.

AN ACT TO PROVIDE A CIVIL GOVERNMENT FOR PORTO RICO  
AND FOR OTHER PURPOSES.<sup>1</sup>

*Approved March 2, 1917.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That the provisions of this Act shall apply to the island of Porto Rico and to the adjacent islands belonging to the United States, and waters of those islands; and the name Porto Rico as used in this Act shall be held to include not only the island of that name but all the adjacent islands as aforesaid.

<sup>1</sup> PUBLIC—No. 368—64TH CONGRESS. [H. R. 9533.]

## BILL OF RIGHTS

SEC. 2. That no law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion, insurrection, or invasion, the public safety may require it, in either of which events the same may be suspended by the President, or by the governor, whenever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken or damaged for public use except upon payment of just compensation ascertained in the manner provided by law.

Nothing contained in this Act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees.

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust under the government of Porto Rico shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State, or any officer thereof.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That no warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

That slavery shall not exist in Porto Rico.

That involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall not exist in Porto Rico.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and that no political or religious test other than an oath to support the Constitution of the United States and the laws of Porto Rico shall be required as a qualification to any office or public trust under the government of Porto Rico.

That no public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, or for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of Porto Rico. Contracting of polygamous or plural marriages hereafter is prohibited.

That one year after the approval of this Act and thereafter it shall be unlawful to import, manufacture, sell, or give away, or to expose for sale or gift any intoxicating drink or drug: *Provided*, That the legislature may authorize and regulate importation, manufacture, and sale of said liquors and drugs for medicinal, sacramental, industrial, and scientific uses only. The penalty for violations of this provision with reference to intoxicants shall be a fine of not less than \$25 for the first offense, and for second and subsequent offenses a fine of not less than \$50 and imprisonment for not less than one month or more than one year: *And provided further*, That at any general election within five years after the approval of this Act this provision may, upon petition of not less than ten per centum of the qualified electors of Porto Rico,

be submitted to a vote of the qualified electors of Porto Rico, and if a majority of all the qualified electors of Porto Rico voting upon such question shall vote to repeal this provision, it shall thereafter not be in force and effect; otherwise it shall be in full force and effect.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law, and on warrant drawn by the proper officer in pursuance thereof.

That the rule of taxation in Porto Rico shall be uniform.

That all money derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such purpose only except upon the approval of the President of the United States.

That eight hours shall constitute a day's work in all cases of employment of laborers and mechanics by and on behalf of the government of the island on public works, except in cases of emergency.

That the employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

SEC. 3. That no export duties shall be levied or collected on exports from Porto Rico, but taxes and assessments on property, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Porto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law, and to protect the public credit: *Provided, however,* That no public indebtedness of Porto Rico or of any subdivision or municipality thereof shall be authorized or allowed in excess of seven per centum of the aggregate tax valuation of its property, and all bonds issued by the government of Porto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Porto Rico or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia. In computing the indebtedness of the people of Porto Rico, bonds issued by the people of Porto Rico secured by an equivalent amount of bonds of municipal corporations or school boards of Porto Rico shall not be counted.

SEC. 4. That the capital of Porto Rico shall be at the city of San Juan, and the seat of government shall be maintained there.

SEC. 5. That all citizens of Porto Rico, as defined by section seven of the Act of April twelfth, nineteen hundred, "temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and all natives of Porto Rico who were temporarily absent from that island on April eleventh, eighteen hundred and ninety-nine, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: *Provided*, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this Act before the district court in the district in which he resides, the declaration to be in form as follows:

"I, \_\_\_\_\_, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the Act of Congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this Act to the executive secretary of Porto Rico: *And provided further*, That any person who is born in Porto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this Act, or if a minor, upon reaching his majority or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Porto Rico, setting forth therein all the facts connected with his or her birth and residence in Porto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

SEC. 6. That all expenses that may be incurred on account of the government of Porto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, lighthouses, buoys, and other works undertaken by the United States, shall, except as otherwise

specifically provided by the Congress, be paid by the treasurer of Porto Rico out of the revenue in his custody.

SEC. 7. That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in the treaty of peace entered into on the tenth day of December, eighteen hundred and ninety-eight, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor works boards of Porto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not heretofore reserved by the United States for public purposes, is hereby placed under the control of the government of Porto Rico, to be administered for the benefit of the people of Porto Rico; and the Legislature of Porto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable: *Provided*, That the President may from time to time, in his discretion, convey to the people of Porto Rico such lands, buildings, or interests in lands or other property now owned by the United States and within the territorial limits of Porto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Porto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States.

SEC. 8. That the harbor areas and navigable streams and bodies of water and submerged lands underlying the same in and around the island of Porto Rico and the adjacent islands and waters, now owned by the United States and not reserved by the United States for public purposes, be, and the same are hereby placed under the control of the government of Porto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in the preceding section: *Provided*, That all laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, except so far as the same may be locally inapplicable, shall apply to said island and waters and to its adjacent islands and waters: *Provided further*, That nothing in this Act contained shall be construed so as to affect or impair in any manner the terms or conditions of any authorizations, permits, or other powers heretofore



lawfully granted or exercised in or in respect of said waters and submerged lands in and surrounding said island and its adjacent islands by the Secretary of War or other authorized officer or agent of the United States: *And provided further*, That the Act of Congress approved June eleventh, nineteen hundred and six, entitled "An Act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas in navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto," and all other laws and parts of laws in conflict with this section be, and the same are hereby, repealed.

SEC. 9. That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws: *Provided, however*, That hereafter all taxes collected under the internal-revenue laws of the United States on articles produced in Porto Rico and transported to the United States, or consumed in the island shall be covered into the treasury of Porto Rico.

SEC. 10. That all judicial process shall run in the name of "United States of America, ss. the President of the United States," and all penal or criminal prosecutions in the local courts shall be conducted in the name and by the authority of "The People of Porto Rico"; and all officials shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States and the laws of Porto Rico.

SEC. 11. That all reports required by law to be made by the governor or heads of departments to any official of the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President, and the President is hereby authorized to place all matters pertaining to the government of Porto Rico in the jurisdiction of such department.

#### EXECUTIVE DEPARTMENT

SEC. 12. That the supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate, and hold his office at the pleasure of



the President and until his successor is chosen and qualified. The governor shall reside in Porto Rico during his official incumbency and maintain his office at the seat of government. He shall have general supervision and control of all the departments and bureaus of the government in Porto Rico, so far as is not inconsistent with the provisions of this Act, and shall be commander in chief of the militia. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of Porto Rico, and respites for all offenses against the laws of the United States until the decision of the President can be ascertained, and may veto any legislation enacted as hereinafter provided. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Porto Rico and of the United States applicable in Porto Rico, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the island, or summon the posse comitatus, or call out the militia to prevent or suppress lawless violence, invasion, insurrection, or rebellion, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the island, or any part thereof, under martial law until communication can be had with the President and the President's decision therein made known. He shall annually, and at such other times as he may be required, make official report of the transactions of the government of Porto Rico to the executive department of the Government of the United States to be designated by the President as herein provided, and his said annual report shall be transmitted to Congress, and he shall perform such additional duties and functions as may in pursuance of law be delegated to him by the President.

SEC. 13. That the following executive departments are hereby created: A department of justice, the head of which shall be designated as the attorney general; a department of finance, the head of which shall be designated as the treasurer; a department of interior, the head of which shall be designated as the commissioner of the interior; a department of education, the head of which shall be designated as the commissioner of education; a department of agriculture and labor, the head of which shall be designated as the commissioner of agriculture and labor; and a department of health, the head of which shall be designated as the commissioner of health. The attorney gen-

eral and commissioner of education shall be appointed by the President, by and with the advice and consent of the Senate of the United States, to hold office for four years and until their successors are appointed and qualified, unless sooner removed by the President. The heads of the four remaining departments shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico. The heads of departments appointed by the governor shall hold office for the term of four years and until their successors are appointed and qualified, unless sooner removed by the governor.

Heads of departments shall reside in Porto Rico during their official incumbency, and those appointed by the governor shall have resided in Porto Rico for at least one year prior to their appointment.

The heads of departments shall collectively form a council to the governor, known as the executive council. They shall perform under the general supervision of the governor the duties hereinafter prescribed, or which may hereafter be prescribed by law and such other duties, not inconsistent with law, as the governor, with the approval of the President, may assign to them; and they shall make annual and such other reports to the governor as he may require, which shall be transmitted to the executive department of the Government of the United States to be designated by the President as herein provided: *Provided*, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation.

SEC. 14. That the attorney general shall have charge of the administration of justice in Porto Rico; he shall be the legal adviser of the governor and the heads of departments and shall be responsible for the proper representation of the people of Porto Rico or its duly constituted officers in all actions and proceedings, civil or criminal, in the Supreme Court of Porto Rico in which the people of Porto Rico shall be interested or a party, and he may, if directed by the governor or if in his judgment the public interest requires it, represent the people of Porto Rico or its duly constituted officers in any other court or before any other officer or board in any action or proceeding, civil or criminal, in which the people of Porto Rico may be a party or be interested. He shall also perform such other duties not inconsistent herewith as may be prescribed by law.

SEC. 15. That the treasurer shall give bond, approved as to form by the attorney general of Porto Rico, in such sum as the legislature may require, not less, however, than the sum of \$125,000, with surety

or sureties approved by the governor, and he shall collect and be the custodian of public funds, and shall disburse the same in accordance with law, on warrants signed by the auditor and countersigned by the governor, and perform such other duties as may be provided by law. He may designate banking institutions in Porto Rico and the United States as depositaries of the government of Porto Rico, subject to such conditions as may be prescribed by the governor, after they have filed with him satisfactory evidence of their sound financial condition and have deposited bonds of the United States of the government of Porto Rico or other security satisfactory to the governor in such amounts as may be indicated by him; and no banking institution shall be designated a depositary of the government of Porto Rico until the foregoing conditions have been complied with. Interest on deposits shall be required and paid into the treasury.

SEC. 16. That the commissioner of the interior shall superintend all works of a public nature, have charge of all public buildings, grounds and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and perform such other duties as may be prescribed by law.

SEC. 17. That the commissioner of education shall superintend public instruction throughout Porto Rico; all proposed disbursements on account thereof must be approved by him, and all courses of study shall be prepared by him, subject to disapproval by the governor if he desires to act. He shall prepare rules governing the selection of teachers, and appointments of teachers by local school boards shall be subject to his approval, and he shall perform such other duties, not inconsistent with this Act, as may be prescribed by law.

SEC. 18. That the commissioner of agriculture and labor shall have general charge of such bureaus and branches of government as have been or shall be legally constituted for the study, advancement, and benefit of agricultural and other industries, the chief purpose of this department being to foster, promote, and develop the agricultural interests and the welfare of the wage earners of Porto Rico, to improve their working conditions, and to advance their opportunities for profitable employment, and shall perform such other duties as may be prescribed by law.

SEC. 19. That the commissioner of health shall have general charge of all matters relating to public health, sanitation, and charities, ex-

cept such as relate to the conduct of maritime quarantine, and shall perform such other duties as may be prescribed by law.

SEC. 20. That there shall be appointed by the President an auditor, at an annual salary of \$5000, for a term of four years, and until his successor is appointed and qualified, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts, from whatever source, of the government of Porto Rico and of the municipal governments of Porto Rico, including public trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government of Porto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

In case of vacancy or of the absence from duty, from any cause, of the auditor, the Governor of Porto Rico may designate an assistant, who shall have charge of the office.

The jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the governor, he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: *Provided*, That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

The decisions of the auditor shall be final, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by the law upon the several auditors of the United States and the Comptroller of the United States Treasury, and is authorized to communicate directly with any person having claims

before him for settlement, or with any department, officer, or person having official relations with his office.

As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted, the auditors shall submit to the governor an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various municipalities, and make such other reports as may be required of him by the governor or the head of the executive department of the Government of the United States, to be designated by the President as herein provided.

In the execution of his duties the auditor is authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpoenas and enforce the attendance of witnesses.

The office of the auditor shall be under the general supervision of the governor and shall consist of the auditor and such necessary assistants as may be prescribed by law.

SEC. 21. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision. The decision of the governor in such case shall be final, subject to such right of action as may be otherwise provided by law.

SEC. 22. That there shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico, an executive secretary at an annual salary of \$4000, who shall record and preserve the minutes and proceedings of the public service commission hereinafter provided for and the laws enacted by the legislature and all acts and proceedings of the governor, and promulgate all proclamations and orders of the governor and all laws enacted by the legislature, and until otherwise provided by the legislature of Porto Rico perform all the duties of secretary of Porto Rico as now provided by law, except as otherwise specified in this Act, and perform such other duties as may be assigned to him by the Governor of Porto Rico. In the event of a vacancy in the office, or the absence, illness, or temporary disqualification of such officer, the governor shall designate some officer or employee of the government to discharge the functions of

said office during such vacancy, absence, illness, or temporary disqualification.

SEC. 23. That the Governor of Porto Rico, within sixty days after the end of each session of the legislature, shall transmit to the executive department of the Government of the United States, to be designated as herein provided for, which shall in turn transmit the same to the Congress of the United States, copies of all laws enacted during the session.

SEC. 24. That the President may from time to time designate the head of an executive department of Porto Rico to act as governor in the case of a vacancy, the temporary removal, resignation, or disability of the governor, or his temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

#### LEGISLATIVE DEPARTMENT

SEC. 25. That all local legislative powers in Porto Rico, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "the Legislature of Porto Rico."

SEC. 26. That the Senate of Porto Rico shall consist of nineteen members elected for terms of four years by the qualified electors of Porto Rico. Each of the seven senatorial districts defined as hereinafter provided shall have the right to elect two senators, and in addition thereto there shall be elected five senators at large. No person shall be a member of the Senate of Porto Rico who is not over thirty years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of Porto Rico for at least two consecutive years, and, except in the case of senators at large, an actual resident of the senatorial district from which chosen for a period of at least one year prior to his election. Except as herein otherwise provided, the Senate of Porto Rico shall exercise all of the purely legislative powers and functions heretofore exercised by the Executive Council, including confirmation of appointments; but appointments made while the senate is not in session shall be effective either until disapproved or until the next adjournment of the senate for the session. In electing the five senators at large each elector



**shall** be permitted to vote for but one candidate, and the five candidates **receiving** the largest number of votes shall be declared elected.

**SEC. 27.** That the House of Representatives of Porto Rico shall **consist** of thirty-nine members elected quadrennially by the qualified **electors** of Porto Rico, as hereinafter provided. Each of the **representative** districts hereinafter provided for shall have the right to **elect** one representative, and in addition thereto there shall be elected four representatives at large. No person shall be a member of the House of Representatives who is not over twenty-five years of age, and who is not able to read and write either the Spanish or English language, except in the case of representative at large, who has not been a bona fide resident of the district from which elected for at least one year prior to his election. In electing the four representatives at large, each elector shall be permitted to vote for but one candidate and the four candidates receiving the largest number of votes shall be elected.

**SEC. 28.** That for the purpose of elections hereafter to the legislature the island of Porto Rico shall be divided into thirty-five representative districts, composed of contiguous and compact territory and established, so far as practicable, upon the basis of equal population. The division into and the demarcation of such districts shall be made by the Executive Council of Porto Rico. Division of districts shall be made as nearly as practicable to conform to the topographical nature of the land, with regard to roads and other means of communication and to natural barriers. Said Executive Council shall also divide the island of Porto Rico into seven senatorial districts, each composed of five contiguous and compact representative districts. They shall make their report within thirty days after the approval of this Act, which report, when approved by the governor, shall be final.

**SEC. 29.** That the next election in Porto Rico shall be held in the year nineteen hundred and seventeen upon the sixteenth day of July. At such election there shall be chosen senators, representatives, a Resident Commissioner to the United States, and two public-service commissioners, as herein provided. Thereafter the elections shall be held on the first Tuesday after the first Monday in November, beginning with the year nineteen hundred and twenty, and every four years thereafter, and the terms of office of all municipal officials who have heretofore been elected and whose terms would otherwise expire at the beginning of the year nineteen hundred and nineteen are hereby extended until the officials who may be elected to fill such offices in nine-

teen hundred and twenty shall have been duly qualified: *Provided*, however, That nothing herein contained shall be construed to limit the right of the Legislature of Porto Rico at any time to revise the boundaries of senatorial and representative districts and of any municipality or to abolish any municipality and the officers provided therefor.

SEC. 30. That the term of office of senators and representatives chosen by the first general election shall be until January first, nineteen hundred and twenty-one, and the terms of office of senators and representatives chosen at subsequent elections shall be four years from the second of January following their election. In case of vacancy among the members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred, under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred and no senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under the government of Porto Rico, nor be appointed to any office created by Act of the legislature during the time for which he shall have been elected until two years after his term of office shall have expired.

SEC. 31. That members of the Senate and House of Representatives of Porto Rico shall receive compensation at the rate of \$7 per day for the first ninety days of each regular session and \$1 per day for each additional day of such session while in session, and mileage for each session at the rate of 10 cents per kilometer for each kilometer actually and necessarily traveled in going from their legislative districts to the capital and therefrom to their place of residence in their districts by the usual routes of travel.

SEC. 32. That the senate and House of Representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their members, and they shall have and exercise all the powers with respect to the conduct of their proceedings that usually pertain to parliamentary legislative bodies. Both houses shall convene at the capital on the second Monday in February following the next election, and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required.

SEC. 33. That the first regular session of the Legislature of Porto Rico, provided for by this Act, shall convene on the twenty-eighth



day after the first election provided for herein, and regular sessions of the legislature shall be held biennially thereafter, convening on the second Monday in February of the year nineteen hundred and nineteen, and on the second Monday in February of each second year thereafter. The governor may call special sessions of the legislature or of the senate at any time when in his opinion the public interest may require it, but no special session shall continue longer than ten days, not including Sundays and holidays, and no legislation shall be considered at such session other than that specified in the call, and he shall call the senate in special session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for.

SEC. 34. That the enacting clause of the laws shall be as to acts, "Be it enacted by the Legislature of Porto Rico," and as to joint resolutions, "Be it resolved by the Legislature of Porto Rico." Except as hereinafter provided, bills and joint resolutions may originate in either house. The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures, which shall be the basis of the ensuing biennial appropriation bill. No bill shall become a law until it be passed in each house by a majority yeas-and-nays vote of all of the members belonging to such house and entered upon the journal and be approved by the governor within ten days thereafter. If when a bill that has been passed is presented to the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members of that house shall agree to pass the same it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members of that house it shall be sent to the governor, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same he shall sign it and it shall become a law. If he shall not approve same he shall return it to the governor so stating, and it shall not become a law: *Provided*, That the President of the United States shall approve or disapprove an Act submitted to him under the provisions

of this section within ninety days from and after its submission ~~for~~ his approval; and if not approved within such time it shall become a law the same as if it had been specifically approved. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items, parts or portions thereof to which he objects, and the appropriation so objected to shall not take effect. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the governor within thirty days after receipt by him; otherwise it shall not be a law. All laws enacted by the Legislature of Porto Rico shall be reported to the Congress of the United States, as provided in section twenty-three of this Act, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time publish the same, and the yeas and nays on any question shall, on the demand of one-fifth of the members present, be entered on the journal.

The sessions of each house and of the committees of the whole shall be open.

Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

No act of the legislature except the general appropriation bills for the expenses of the government shall take effect until ninety days

after its passage, unless in case of emergency (which shall be expressed in the preamble or body of the act) the legislature shall by a vote of two-thirds of all the members elected to each house otherwise direct. No bill, except the general appropriation bill for the expenses of the government only, introduced in either house of the legislature after the first forty days of the session, shall become a law.

No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members: *Provided*, That either house may by a majority vote discharge a committee from the consideration of a measure and bring it before the body for consideration.

No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be reenacted and published at length.

The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the journal.

The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made for services to the legislature from the treasury, or be in any way authorized to any person, except to an acting officer or employee elected or appointed in pursuance of law.

No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made.

Except as otherwise provided in this Act, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment, nor permit any officer or employee to draw compensation for more than one office or position.

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as in case of other bills.

The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Every order, resolution, or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the legislature to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished by a fine not exceeding \$5000, or imprisonment not exceeding five years, or both.

The offense of corrupt solicitation of members of the legislature, or of public officers of Porto Rico, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

In case the available revenues of Porto Rico for any fiscal year, including available surplus for the insular treasury, are insufficient to meet all the appropriations made by the legislature for such year, such appropriations shall be paid in the following order, unless otherwise directed by the governor.

First class. The ordinary expenses of the legislative, executive, and judicial departments of the State government, and interest on any public debt, shall first be paid in full.

Second class. Appropriations for all institutions, such as the penitentiary, insane asylum, industrial school, and the like, where the inmates are confined involuntarily, shall next be paid in full.

Third class. Appropriations for education and educational and charitable institutions shall next be paid in full.

Fourth class. Appropriations for any other officer or officers, bureaus or boards, shall next be paid in full.

Fifth class. Appropriations for all other purposes shall next be paid.

That in case there are not sufficient revenues for any fiscal year including available surplus in the insular treasury, to meet in full the appropriations of said year for all of the said classes of appropriations, then said revenues shall be applied to the classes in the order above named, and if, after the payment of the prior classes in full, there are not sufficient revenues for any fiscal year to pay in full the appropriations for that year for the next class, then, in that event, whatever there may be to apply on account of appropriations for said class shall be distributed among said appropriations pro rata according as the amount of each appropriation of that class shall bear to the total amount of all said appropriations for that class for such fiscal year.

No appropriation shall be made, nor any expenditure authorized by the legislature, whereby the expenditure of the Government of Porto Rico during any fiscal year shall exceed the total revenue then provided for by law and applicable for such appropriation or expenditure, including any available surplus in the treasury, unless the legislature making such appropriation shall provide for levying a sufficient tax to pay such appropriation or expenditure within such fiscal year.

SEC. 35. That at the first election held pursuant to this Act the qualified electors shall be those having the qualifications of voters under the present law. Thereafter voters shall be citizens of the United States twenty-one years of age or over and have such additional qualifications as may be prescribed by the legislature of Porto Rico: *Provided*, That no property qualifications shall ever be imposed upon or required of any voter.

SEC. 36. That the qualified electors of Porto Rico shall at the next general election choose a Resident Commissioner to the United States, whose term of office shall begin on the date of the issuance of his certificate of election and shall continue until the fourth of March, nineteen hundred and twenty-one. At each subsequent election, beginning with the year nineteen hundred and twenty, the qualified electors of Porto Rico shall choose a Resident Commissioner to the United States, whose term of office shall be four years from the fourth of March following such general election, and who shall be entitled to receive official recognition as such Commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the

Governor of Porto Rico. The Resident Commissioner shall receive a salary, payable monthly by the United States, of \$7500 per annum. Such Commissioner shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to Members of the House of Representatives of the United States; and he shall be allowed the sum of \$500 as mileage for each session of the House of Representatives and the franking privilege granted members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of the United States and who is not more than twenty-five years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the governor, by and with the advice and consent of the senate, shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.

SEC. 37. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, or repeal any or all laws and ordinances of every character now in force in Porto Rico or municipality or district thereof in so far as such alteration, amendment, modification, or repeal may be consistent with the provisions of this Act.

No executive department not provided for in this Act shall be created by the legislature, but the legislature may consolidate departments, or abolish any department, with the consent of the President of the United States.

SEC. 38. That all grants of franchises, rights, and privileges of a public or quasi public nature shall be made by a public service commission, consisting of the heads of executive departments, the auditor, and two commissioners to be elected by the qualified voters at the first general election to be held under this Act, and at each subsequent general election thereafter. The terms of said elective commissioners elected at the first general election shall commence on the twenty-eighth day following the said general election, and the terms of the said elective commissioners elected at each subsequent general election shall commence on the second day of January following their election; they shall serve for four years and until their successors



are elected and qualified. Their compensation shall be \$8 for each day's attendance on the sessions of the commission, but in no case shall they receive more than \$400 each during any one year. The said commission is also empowered and directed to discharge all the executive functions relating to public-service corporations heretofore conferred by law upon the executive council. Franchises, rights, and privileges granted by the said commission shall not be effective until approved by the governor, and shall be reported to Congress, which hereby reserves the power to annul or modify the same.

The interstate-commerce Act and the several amendments made or to be made thereto, the safety-appliance Acts and the several amendments made or to be made thereto, and the Act of Congress entitled "An Act to amend an Act entitled 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities," approved March first, nineteen hundred and thirteen, shall not apply to Porto Rico.

The Legislative Assembly of Porto Rico is hereby authorized to enact laws relating to the regulation of the rates, tariffs, and service of public carriers by rail in Porto Rico, and the Public-Service Commission hereby created shall have power to enforce such laws under appropriate regulation.

SEC. 39. That all grants of franchises and privileges under the section last preceding shall provide that the same shall be subject to amendment, alteration, or repeal, and shall forbid the issue of stocks or bonds except in exchange for actual cash or property at a fair valuation to be determined by the public-service commission equal in amount to the par value of the stocks or bonds issued, and shall forbid the declaring of stock or bond dividends, and in the case of public-service corporations shall provide for the effective regulation of charges thereof and for the purchase or taking of their property by the authorities at a fair and reasonable valuation.

That nothing in this Act contained shall be so construed as to abrogate or in any manner impair or affect the provision contained in section three of the joint resolution approved May first, nineteen hundred, with respect to the buying, selling, or holding of real estate. That the Governor of Porto Rico shall cause to have made and sub-

mitted to Congress at the session beginning the first Monday in December, nineteen hundred and seventeen, a report of all the real estate used for the purposes of agriculture and held either directly or indirectly by corporations, partnerships, or individuals in holdings in excess of five hundred acres.

#### JUDICIAL DEPARTMENT

SEC. 40. That the judicial power shall be vested in the courts and tribunals of Porto Rico now established and in operation under and by virtue of existing laws. The jurisdiction of said courts and the form of procedure in them, and the various officers and attachés thereof, shall also continue to be now as provided until otherwise provided by law: *Provided, however,* That the chief justice and associate justices of the supreme court shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and the Legislature of Porto Rico shall have authority, from time to time as it may see fit, not inconsistent with this Act, to organize, modify, or rearrange the courts and their jurisdiction and procedure, except the District Court of the United States for Porto Rico.

SEC. 41. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of four years and until his successor is appointed and qualified and whose salary shall be \$5000 per annum. There shall be appointed in like manner a district attorney, whose salary shall be \$4000 per annum, and a marshal for said district, whose salary shall be \$3500 per annum, each for a term of four years unless sooner removed by the President. The district court for said district shall be called "the District Court of the United States for Porto Rico," and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens and Porto Ricans, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States. Said dis-



strict court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Porto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of \$3000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid: *Provided*, That nothing in this Act shall be deemed to impair the jurisdiction of the District Court of the United States for Porto Rico to hear and determine all controversies pending in said court at the date of the approval of this Act. Upon the taking effect of this Act the salaries of the judge and officials of the District Court of the United States for Porto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said District Court of the United States for Porto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Porto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court, without extra compensation.

SEC. 42. That the laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters or proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the district court of the United States and the courts of Porto Rico. Regular terms of said United States district court shall be held at San Juan, commencing on the first Monday in May and November of each year, and also at Ponce on the second Monday in February of each year, and special terms may be held at Mayaguez at such stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language. The said district court shall be attached to and included in the first circuit of the United States, with the right of appeal and

review by said circuit court of appeals in all cases where the same would lie from any district court to a circuit court of appeals of the United States, and with the right of appeal and review directly by the Supreme Court of the United States in all cases where a direct appeal would be from such district courts.

SEC. 43. That writs of error and appeals from the final judgments and decrees of the Supreme Court of Porto Rico may be taken and prosecuted to the Circuit Court of Appeals for the First Circuit and to the Supreme Court of the United States, as now provided by law.

SEC. 44. That the qualifications of jurors as fixed by the local laws of Porto Rico shall not apply to jurors selected to serve in the District Court of the United States for Porto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of not less than twenty-one years and not over sixty-five years, a resident of Porto Rico for not less than one year, and have a sufficient knowledge of the English language to enable him to serve as a juror; they shall also be citizens of the United States. Juries for the said court shall be selected, drawn and subject to exemption in accordance with the laws of Congress regulating the same in the United States courts in so far as locally applicable.

SEC. 45. That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into the District Court of the United States for Porto Rico: *Provided*, That \$500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge.

SEC. 46. That the Attorney General of the United States shall from time to time determine the salaries of all officials and assistants appointed by the United States district court, including the clerk, his deputies, interpreter, stenographer, and other officials and employees, the same to be paid by the United States as other salaries and expenses of like character in United States courts.

SEC. 47. That jurors and witnesses in the District Court of the United States for Porto Rico shall be entitled to and receive 15 cents for each mile necessarily traveled over any stage line or by private conveyance and 10 cents for each mile over any railway in going to and returning from said courts. But no constructive or double mileage fees shall be allowed by reason of any person being summoned

both as witness and juror or as witness in two or more cases pending in the same court and triable at the same term thereof. Such jurors shall be paid \$3 per day and such witnesses \$1.50 per day while in attendance upon the court.

SEC. 48. That the supreme and district courts of Porto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district courts of the United States, and the district courts may grant writs of mandamus in all proper cases.

SEC. 49. That hereafter all judges, marshals, and secretaries of courts now established or that may hereafter be established in Porto Rico, and whose appointment by the President is not provided for by law, shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico.

#### MISCELLANEOUS PROVISIONS

SEC. 50. That, except as in this Act otherwise provided, the salaries of all the officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such and be so paid out of the revenues of Porto Rico as shall from time to time be determined by the Legislature of Porto Rico and approved by the governor; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico appointed as herein provided by the President shall also be paid out of the revenues of Porto Rico on warrant of the auditor, countersigned by the governor. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The governor, \$10,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental; heads of executive departments, \$5000; chief justice of the supreme court, \$6500; associate justices of the supreme court, \$5500 each.

Where any officer whose salary is fixed by this act is required to give a bond, the premium thereof shall be paid from the insular treasury.

SEC. 51. That the provisions of the foregoing section shall not apply to municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses

incurred by the municipalities, shall be paid out of the municipal revenues, in such manner as the legislature shall provide.

SEC. 52. That wherever in this Act offices of the insular government of Porto Rico are provided for under the same names as in the heretofore existing Acts of Congress affecting Porto Rico, the present incumbents of those offices shall continue in office in accordance with the terms and at the salaries prescribed by this Act, excepting the heads of those departments who are to be appointed by the governor and who shall continue in office only until their successors are appointed and have qualified. The offices of secretary of Porto Rico and director of labor, charities, and correction are hereby abolished. Authority is given to the respective appointing authorities to appoint and commission persons to fill the new offices created by this Act.

SEC. 53. That any bureau or office belonging to any of the regular departments of the government, or hereafter created, or not assigned, may be transferred or assigned to any department by the governor with the approval of the Senate of Porto Rico.

SEC. 54. That deeds and other instruments affecting land situate in the District of Columbia, or any other territory or possession of the United States, may be acknowledged in Porto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of a notary public: *Provided*, That the certificate by such notary shall be accompanied by the certificate of the executive secretary of Porto Rico to the effect that the notary taking such acknowledgment is in fact such notarial officer.

SEC. 55. That nothing in this Act shall be deemed to impair or interrupt the jurisdiction of existing courts over matters pending therein upon the approval of this Act, which jurisdiction is in all respects hereby continued, the purpose of this Act being to preserve the integrity of all of said courts and their jurisdiction until otherwise provided by law, except as in this Act otherwise specifically provided.

SEC. 56. That this Act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Porto Rico shall continue to be exercised and in full force and operation as now provided by law; and the Executive Council shall, until the assembly and organization of the Legislature of Porto Rico as herein provided, consist of the attorney general, the treasurer, the commissioner of the interior, the commissioner of education, the

commissioner of health, and the commissioner of agriculture and labor, and the five additional members as now provided by law. And any functions assigned to the Senate of Porto Rico by the provisions of this Act shall, until this said senate has assembled and organized as herein provided, be exercised by the Executive Council as thus constituted: *Provided, however,* That all appointments made by the governor, by and with the advice and consent of the Executive Council as thus constituted, in the Executive Council as authorized by section thirteen of this Act or in the office of Executive Secretary of Porto Rico, shall be regarded as temporary and shall expire not later than twenty days from and after the assembly and organization of the legislature hereinbefore provided, unless said appointments shall be ratified and made permanent by the said Senate of Porto Rico.

SEC. 57. That the laws and ordinances of Porto Rico now in force shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided for Porto Rico or by Act of Congress of the United States; and such legislative authority shall have power, when not inconsistent with this Act, by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this Act as it may from time to time see fit.

SEC. 58. That all laws or parts of laws applicable to Porto Rico not in conflict with any of the provisions of this Act, including the laws relating to tariffs, customs and duties on importations into Porto Rico prescribed by the Act of Congress entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April twelfth, nineteen hundred, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved, March 2, 1917.

PROCLAMATION OF THE MILITARY OCCUPATION OF SANTO DOMINGO BY  
THE UNITED STATES*November 29, 1916*

*Whereas*, a treaty was concluded between the United States of America and the Republic of Santo Domingo on February 8, 1907, Article III of which reads:

Until the Dominican Republic has paid the whole amount of the bonds of the debt its public debt shall be not increased except by previous agreement between the Dominican Government and the United States. A like agreement shall be necessary to modify the import duties, it being an indispensable condition for the modification of such duties that the Dominican Executive demonstrate and that the President of the United States recognize that, on the basis of exportations and importations of the like amount and the like character during the two years preceding that in which it is desired to make such modification, the total net customs receipts would at such altered rates of duties have been for each of such two years in excess of the sum of \$2,000,000 United States gold; and

*Whereas*, the Government of Santo Domingo has violated the said Article III on more than one occasion; and

*Whereas*, the Government of Santo Domingo has from time to time explained such violation by the necessity of incurring expenses incident to the repression of revolution; and

*Whereas*, the United States Government, with great forbearance and with a friendly desire to enable Santo Domingo to maintain domestic tranquillity and observe the terms of the aforesaid treaty, has urged upon the Government of Santo Domingo certain necessary measures which that Government has been unwilling or unable to adopt, and

*Whereas*, in consequence domestic tranquillity has been disturbed and is not now established, nor is the future observance of the treaty by the Government of Santo Domingo assured; and

*Whereas*, the Government of the United States is determined that the time has come to take measures to insure the observance of the provisions of the aforesaid treaty by the Republic of Santo Domingo and to maintain the domestic tranquillity in the said Republic of Santo Domingo necessary thereto;

*Now, therefore*, I, H. S. Knapp, Captain, United States Navy, com-



manding the cruiser force of the United States Atlantic Fleet, and the armed forces of the United States stationed in various places within the territory of the Republic of Santo Domingo, acting under the authority and by the direction of the Government of the United States, declare and announce to all concerned that the Republic of Santo Domingo is hereby placed in a state of military occupation by the forces under my command, and is made subject to military government and to the exercise of military law applicable to such occupation.

This military occupation is undertaken with no immediate or ulterior object of destroying the sovereignty of the Republic of Santo Domingo, but, on the contrary, is designed to give aid to that country in returning to a condition of internal order that will enable it to observe the terms of the treaty aforesaid, and the obligations resting upon it as one of the family of nations.

Dominican statutes, therefore, will continue in effect in so far as they do not conflict with the objects of the occupation or necessary regulations established thereunder, and their lawful administration will continue in the hands of such duly authorized Dominican officials as may be necessary, all under the oversight and control of the United States forces exercising military government.

The ordinary administration of justice, both in civil and criminal matters, through the regularly constituted Dominican courts, will not be interfered with by the military government herein established; but cases to which a member of the United States forces in occupation is a party, or in which are involved contempt or defiance of the authority of the military government, will be tried by tribunals set up by the military government.

All revenue accruing to the Dominican Government, including revenues hitherto accrued and unpaid, — whether from customs duties under the terms of the treaty concluded on February 8, 1907, the Receivership established by which remains in effect, or from internal revenue — shall be paid to the military government herein established which will, in trust for the Republic of Santo Domingo, hold such revenue and will make all the proper legal disbursements therefrom necessary for the administration of the Dominican Government, and for the purposes of the occupation.

I call upon the citizens of, and residents and sojourners in, Santo Domingo to coöperate with the forces of the United States in occupation to the end that the purposes thereof may promptly be attained,

and that the country may be restored to domestic order and tranquillity, and to the prosperity that can be attained only under such conditions.

The forces of the United States in occupation will act in accordance with military law governing their conduct, with due respect for the personal and property rights of citizens of, and residents and sojourners in, Santo Domingo, upholding Dominican laws in so far as they do not conflict with the purposes for which the occupation is undertaken.

H. S. KNAPP.

*Captain United States Navy,  
Commander Cruiser Force,  
United States Atlantic Fleet.*

U. S. S. OLYMPIA Flagship,  
Santo Domingo City, R.D.  
November 29, 1916.

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AN ACT TO PROVIDE A TEMPORARY GOVERNMENT FOR THE WEST INDIAN ISLANDS ACQUIRED BY THE UNITED STATES FROM DENMARK<sup>1</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except as hereinafter provided, all military, civil, and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in a governor and in such person or persons as the President may appoint, and shall be exercised in such manner as the President shall direct until Congress shall provide for the government of said islands: Provided, That the President may assign an officer of the Army or Navy to serve as such governor and perform the duties appertaining to said office: And provided further, That the governor of the said islands shall be appointed by and with the advice and consent of the Senate: and provided further, That the compensation of all persons appointed under this Act shall be fixed by the President.*

SEC. 2. That until Congress shall otherwise provide, in so far as compatible with the changed sovereignty and not in conflict with the provisions of this Act, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the sixth day of April, nineteen hundred and six, and the other local laws, in force and effect in said islands on the seventeenth day of January, nineteen hundred and seventeen, shall remain in force and

<sup>1</sup> Public — No. 389. — 64th Congress.



effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party. In all cases arising in the said West Indian Islands and now reviewable by the courts of Denmark, writs of error and appeals shall be to the Circuit Court of Appeals for the Third Circuit, and, except as provided in sections two hundred and thirty-nine and two hundred and forty of the Judicial Code, the judgments, orders, and decrees of such court shall be final in all such cases.

SEC. 3. That on and after the passage of this Act there shall be levied, collected, and paid upon all articles coming into the United States or its possessions, from the West Indian Islands ceded to the United States by Denmark, the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in such islands from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than twenty per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall hereafter be admitted free of duty.

SEC. 4. That until Congress shall otherwise provide all laws now imposing taxes in the said West Indian Islands, including the customs laws and regulations, shall, in so far as compatible with the changed sovereignty and not otherwise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted there free of duty: *Provided*, That upon exportation of sugar to any foreign country, or the shipment thereof to the United States or any of its possessions, there shall be levied, collected, and paid thereon an export duty of \$8 per ton of two thousand pounds irrespective of polariscope test, in lieu of any export tax now required by law.

SEC. 5. That the duties and taxes collected in pursuance of this

Act shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for the government and benefit of said islands under such rules and regulations as the President may prescribe.

SEC. 6. That for the purpose of taking over and occupying said islands and of carrying this Act into effect and to meet any deficit in the revenues of the said islands resulting from the provisions of this Act the sum of \$100,000 is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States.

SEC. 7. That the sum of \$25,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid in the city of Washington to the diplomatic representative or other agent of His Majesty, the King of Denmark duly authorized to receive said money, in full consideration of the cession of the Danish West Indian Islands to the United States made by the convention between the United States of America and His Majesty the King of Denmark entered into August fourth, nineteen hundred and sixteen, and ratified by the Senate of the United States on the seventh day of September, nineteen hundred and sixteen.

SEC. 8. That this Act, with the exception of section seven, shall be in force and effect and become operative immediately upon the payment by the United States of said sum of \$25,000,000. The fact and date of such payment shall thereupon be made public by a proclamation issued by the President and published in the said Danish West Indian Islands and in the United States. Section seven shall become immediately effective and the appropriation thereby provided for shall be immediately available.

Approved, March 3, 1917.

## OFFICIAL DOCUMENTS

### MEMOIRE OF THE BELGIAN GOVERNMENT IN REGARD TO THE DEPORTATION AND FORCED LABOR OF THE BELGIAN CIVIL POPULATION ORDERED BY THE GERMAN GOVERNMENT <sup>1</sup>

The German Government tries to justify the deportation of Belgian civilians by invoking reasons of different sorts.

It alleges first that the depressed condition of Belgian industry could not offer to unemployed Belgians any means of working, or, at least, any means of making a suitable livelihood in Belgium.

Then it alleges that the general interest of the occupied territory (for which the occupant is responsible) demanded that the unemployed should not remain a charge upon public charity, finding in such aid an encouragement to their natural laziness and exposing themselves to the loss of their technical skill by long idleness.

Finally, it alleges its anxiety for order and public safety to which the increasing army of unemployed Belgians might constitute a danger.

None of these reasons justifies the measures taken by the German general headquarters on October 3, 1916.

#### I

#### *Inconsistency of German Argument*

The fact will not escape an attentive mind that the motives set forth in the plea of the German Government are contradictory to each other.

<sup>1</sup> *Official Bulletin*, Washington, June 9, 1917. The following note from the State Department accompanies the memoire:

The Belgian Minister, Mr. de Cartier, has transmitted to the Secretary of State the following memorandum prepared by the Belgian Government in regard to the deportation of civilians and the forced labor imposed on them by the German authorities. In his note of transmittal Mr. de Cartier says:

"This document is a complete refutation of the excuses offered by the German authorities for these acts of barbarity, and is a clear statement of the successive steps by which Germany has sought to break down the patriotic spirit of the Belgian workmen and to enslave them for work of military utility against our own fellow countrymen."

Indeed, if it be accepted as true that the deportations are caused by the stagnation of industry in occupied Belgium, then it would be unjust to accuse the Belgian laboring class of laziness in this case of involuntary unemployment.

If, on the contrary, there is really laziness on the part of the Belgian laboring class, then there must be work for them to do in Belgium; consequently, the deportation into Germany is an entirely arbitrary act, and it is incomprehensible that an attempt should be made to justify it on the ground of the stagnation of Belgian industry.

What is, however, the real situation in occupied Belgium?

The cessation of the larger part of Belgian industry is an admitted fact. But Germany founds an argument upon this fact as upon an event due to the circumstances of a state of war and in the presence of which the good intentions of the occupant were powerless.

However, this is not the case. The depressed condition of Belgian industry is not a case of accident caused by the force of extraneous circumstances unconnected with the action of the German authorities; these authorities are, on the contrary, personally responsible.

Their responsibility is double.

The German Government is the direct author of the crisis in Belgian industry and labor.

The German Government has deliberately prevented the Belgians from applying the remedy.

## II

### *The Rathenau Plan*

Since the occupation of Belgium, the German authorities, in spite of their deceitful proclamations, have put into effect the plan worked out in August, 1914, at Berlin, by Dr. W. Rathenau, for the systematic exploitation of all the economic resources of occupied countries to the profit of the war organization of the Empire.

This plan allowed, notably, the seizure of all stocks of raw materials existing in the occupied territories and the transfer of them into Germany in order to avert the consequences of the closure of the seas. This was to be completed by the removal of the implements of labor and, in general, by the removal of all means of production which the Empire might need for the continuation of the struggle. Economic commissions, attached to all the military authorities in the occupied territories, were to be constituted the agents for putting into execution the Rathe-

nau plan. By this plan — as the German publicists have written on so many occasions, with the approval of the censor — the war carried on by the Empire would take on the character of an “economic war.”

This program was methodically carried out.

### *Systematic Exhaustion of Resources*

It would seem reasonable to expect that the occupying authority — which had been already relieved of the feeding of the Belgian population by Belgian initiative and by the generosity of neutral countries, especially by the United States — should make it a point of honor to aid the country to recover as soon as possible from the injuries received during the first months of the invasion. But, on the contrary, the occupying authority used its temporary legislative power only for the purpose of covering its designs of monopoly with the cloak of legality.

The collection of the *Bulletin Officiel des Lois et Arretes pour le territoire belge occupe*, published at Brussels from the end of August, 1914, contains, during the period of twenty-six months, more than 120 orders relating to economic conditions, decreeing the making of inventories, the prohibition of sale and purchase, the seizure of products, of raw materials, and of tools, or decreeing prohibitions, restrictions, or taxes upon products, materials, or tools, whether for importation or exportation. The list of objects mentioned in these orders contains more than 400 different specifications, among which are certain classes of objects comprising in themselves many subdivisions. All these things, one after another, have been immobilized, then seized and sent out of the country by legislative acts of the civil authorities, after innumerable requisitions had been made by the military authorities.

### *Stifling of Belgian Competition*

Moreover, besides the motives of military interest denounced above, an underlying thought of stifling Belgian competition also inspired several of the measures. An avowal of this has been explicitly made, in Germany itself, by several publicists of authority, and notably, in regard to the Belgian glass industry, by Dr. Goetz, president of the syndicate of master glass makers of Germany, in an article published by the *Wirtschaftszeitung der Zentralmächte* of November 10, 1916.

The Belgian Government knows that the operation of removing machines and installation was, in several cases, confided to the repre-

sentatives of German firms who were the direct competitors of the Belgian industries, and that in at least one instance, in an artificial silk factory, the Belgian firm's secret process of fabrication was ascertained from the factory inspected.

Numerous Belgian industries have been placed under sequestration without plausible reason.

Finally, the German authorities, in 1916, placed prohibitive tariffs on the remaining Belgian industries which had still maintained a relative degree of activity through their commercial relations with certain neutral countries, the glass industry and the metallurgic industry.

Moreover, it appears from recent information that the German administration requires from Belgian exporters the deposit of a guaranty of 20 per cent of the value of all merchandise exported, in order to insure the return to Belgium of the entire proceeds of the sale.

These prohibitive measures are of a nature to close to Belgian industry any markets which may have remained open, and even to render impossible all export trade.

The effect of these measures is increased in the interior of the country by restrictions of all kinds placed upon circulation (a complicated system of passports, the seizure of bicycle tires, etc.) and by the financial policy of the German authorities.

### *German Financial Policy*

Attention can be called here only to the principal acts which have marked the German financial policy:

(a) A war tax of 40,000,000 francs per month for the benefit of the German war treasury — a tax fixed at first for one year, the Belgian Provinces being jointly and severally responsible (December, 1914), with the official promise that there should not be afterwards any other war tax. In November, 1915, however, this tax was made permanent. In November, 1916, after nearly 1,000,000,000 francs had been extracted from the country, the tax was increased by the sum of 10,000,000 francs per month (50,000,000 francs instead of 40,000,000).

(b) Imposition of the mark at the forced rate of 1 franc 25 centimes.

(c) Refusal of the German authorities to accept marks in payment of the war tax, of which a large proportion was required to be paid in francs.

(d) Absolute prohibition of the exportation of securities, even to pay for commodities necessary for the feeding of the civil population.

(c) Extortion of marks held as cash reserve by Belgian banks (the *Banque Nationale* and the *Société Générale*): that is to say, 430,000,000 marks which were transported into Germany (Sept. 12, 1916), with the stipulation of repayment two years after the end of the war at the average rate of exchange of Berlin at that period.

### III

#### *Question of Unemployment*

Any country whatever if subjected to such a system of exploitation would find itself overwhelmed by the calamity of unemployment. The number of Belgian workers (men) thus reduced to idleness in spite of their desire to work varies between 300,000 and 400,000. If this number (which the German statements tend to exaggerate in order to draw some quibbling argument) is not greater, it is due only to the prodigies of ingenuity and initiative of the Belgians, who have truly shown themselves in this as in other spheres "the nation that will not die."

It is superfluous to insist in this place upon the magnificent efforts for mutual aid, both charitable and humanitarian, which have made it possible in occupied Belgium to meet the needs of the unemployed and of their families by means of direct assistance — gifts in kind, cash payments, distribution of food and clothing, loans of money, etc. Assistance to the unemployed cost, all together, 10,000,000 to 12,000,000 francs per month. To these expenses the German authorities do not contribute one cent. These charges are borne, to a small extent only, by the local budgets of Belgium; they are borne for the most part by private generosity, inside and outside the country, Belgian and foreign, aided largely by subsidies from the Belgian Government.

#### *Hinder Technical Instruction*

In spite of the policy of economic exhaustion, placed by the occupying authorities at the service of the Empire's war organization, and of competing German industries, it would have been possible to provide sufficiently against the injurious effects of unemployment by the classic means which are taught by modern social economy; that is to say, by the organization of works of public utility and by the institution of courses of technical instruction.

The Belgian authorities did not fail in the one nor in the other of these duties; but, instead of meeting, in this sphere, the aid or encour-



agement of the occupying authority, they were met by its opposition, and, finally, by its veto.

The intelligent initiative taken in the spring of 1915 by a group of Belgian business men and philanthropists, and supported by the communal authorities of Brussels, as well as by the *Comite National de Secours et l'Alimentation*, to provide for aid to the unemployed, to secure attendance at various technical schools, created to maintain the technical skill of the Belgian workman and to ward off the temptation to idleness, was put into operation brilliantly at Brussels during the summer of 1915.

It was greeted with unanimous approval by the Belgians and was encouraged by subsidies and promises of subsidies from generous individuals. Even the German publicists praised the work and its promoters. But when the latter wished to extend the work throughout the entire country the German authorities opposed the plan in such a way that this magnificent effort was entirely paralyzed (autumn of 1915).

The fact is that while artificially creating unemployment in Belgium by the removal of stocks of raw materials and tools and by the restrictions placed upon the commercial activity of the country, the German administration had conceived the idea of enrolling the workers thus thrown into enforced idleness in the service of its war industries, either in the requisitioned Belgian factories or in Germany.

#### *Public Work for Unemployed Forbidden*

At the beginning of the summer of 1915 a campaign was started to overcome in this matter the passive resistance of Belgian patriotism. The German authorities had had recourse, successively or simultaneously, to the bait of high wages, to intimidation, then to violence, in order to procure the manual labor necessary for their military objects (see the eighteenth and nineteenth reports of the Belgian commission of inquiry in regard to the violation of the law of nations); but these attempts had failed; very few Belgian workmen had consented to engage themselves in the service of the enemy; of the others, a certain number had been deported to Germany as prisoners as a punishment for their refusal. Then the German administration resolved to prevent by all means in its power the Belgian unemployed from finding elsewhere a livelihood or assistance; it counted upon holding them at its mercy by the pressure of the needs and the destitution of their families.



Hence the seemingly inexplicable opposition of the German authorities to the project of establishing obligatory technical instruction as a condition of granting allowances during unemployment.

Hence, also, the still more incredible opposition of the German authorities to works of public utility for the unemployed, which up to that time had been freely organized by the local administrations.

By decrees of August 14 and 15, 1915, the Governor General in Belgium made it a misdemeanor to refuse to work, or to cause aid to be given to a workman who refused to work.

### *Competence of Courts Admitted*

It is true that these orders still admitted the competence of the Belgian courts and recognized motives for refusal founded on the law of nations as grounds for justification. But at the same time the German military authorities caused orders to be posted stating precisely the contrary, as, for example, Gen. von Unger (order at Ghent Oct. 12, 1915):

"Appeal to any possible Belgian law, or even to international conventions, can never justify a refusal to work. The military commandant alone decides the acceptability of the work demanded."

Some months later the German authorities, taking another double step toward despotism, decreed the prohibition of all public work for the unemployed, unless authorization were obtained in each particular case (order of May 2, 1916); then (order of May 15, 1916), as a means of repressing refusals to work, they set up the principle of compulsion to work; at the same time they took the jurisdiction of these cases away from the Belgian courts and reserved such jurisdiction to the German courts and military commandants. It was the institution of "forced labor in Belgium," and, necessarily, of "forced labor in the service of the enemy."

The Belgian Government has not complete information in regard to the individual prosecutions which may have been instituted against Belgian citizens under the order of May 15, 1916. On the other hand, it is in possession of incontestable information in regard to the application of the order of May 2, 1916.

Hardly a single authorization was issued for works of public utility; works already commenced were interrupted; works contracted for had to be countermanded; thousands of workmen who had by these means found an honorable occupation and had gained a livelihood were forcibly thrown into idleness.

Thus hunted down in every place where employment could still be obtained in Belgium, the Belgian laboring class, at the end of September, 1916, found itself compelled to fold its arms by order of the German authorities.

This was the moment chosen by the German Government to decree the deportation of the Belgian unemployed into Germany, under the official pretext "that sufficient occupation for the unemployed could no longer be found in Belgium."

The truth of the matter is this: The German authorities blame the Belgian laboring class for the enforced idleness to which the workmen have been deliberately condemned by the German authorities themselves through their policy of economic exhaustion and through their orders in regard to work.

#### IV

#### *British Blockade*

The German Government has attempted to throw upon the English blockade the responsibility for the stoppage of Belgian industry, for which they themselves are really responsible. To believe them, the stoppage was due simply to the impossibility of importing into Belgium the raw materials necessary for the activity of the factories and mills, and the impossibility of afterwards exporting the products.

This interpretation cannot stand confrontation with the following facts:

Without speaking of the undeniable responsibility which rests upon Germany, before the tribunal of history, because of her unjust aggression on August 4, 1914, and on account of the innumerable evils engendered by that fundamental injustice, it is evident that the blockade, decreed by one of the states which had guaranteed Belgian neutrality, a blockade decreed for the purpose of weakening and overcoming Belgium's aggressor, is not the cause of the industrial crisis from which the occupied territory suffers.

In Belgium, a country rich and productive in itself, there were important stocks of raw materials. Why did the Germans carry these stocks away if they sincerely desired to leave Belgian industry the means of continuing its activity?

*Why were Tariffs Imposed?*

In Belgium there were industries (such as certain metallurgic industries, glass works, potteries, etc.) which could, in any event, continue their activities, and which had even increased their business since the partial resumption of their work after the invasion. Why did the Germans place upon these products prohibitive tariffs which close to them the neutral continental markets not subjected to the restrictions of the blockade — for example, the Holland market?

Why did the Germans stop the work of opening up new coal mines in the Campine district which were profitably employing numerous workmen?

Why did they put under sequestration so many Belgian industries which were still active?

Why did they carry away thousands of machines and machine tools; why did they take to pieces or dismantle so many industrial plants; why did they monopolize all the products of the soil and the larger part of the merchandise of the wholesale trade for the benefit of the German "Centrales" of purchase and sale, upon whose operations the Belgians could exercise no effective supervision?

## V

*Deportation of Belgian Workmen*

Is it still necessary to stop here to examine the affirmation of the German Government that "deportation is a measure of social precaution, for the purpose of furnishing to the Belgian unemployed a livelihood that Belgian industry and agriculture can no longer procure for them"?

This argument cannot be applied to the thousands of Belgian civilians subjected to forced labor, immediately behind the German front, in Flanders and in France (even under the fire of the allied artillery); that is to say, those who have been deported into a region whence all industry has long since disappeared and whence the native population itself has been to a great extent removed. As far as this category of deported Belgians is concerned, it is evidently only a question of forced labor on work of military utility.

The case is not different as far as the Belgians deported into Germany are concerned.

The order of October 3, 1916, is, indeed, essentially a war measure.

This character is shown, in the first place, by the authority from which it emanates and which is not the civil government of occupied Belgium (as in the case of the orders of August 14 and 15, 1915, and of May 2 and 15, 1916) but the German general headquarters.

### *Similar Orders Elsewhere*

This character is shown, moreover, by the fact that similar orders were given out, simultaneously and by the military authorities also, covering the occupied districts of Poland and Lithuania; in both cases it was only the putting into execution of a general plan tending to complete the entire incorporation of the resources (men as well as goods) of the occupied countries into the war organization of the Empire.

Finally this character is shown in an absolutely decisive way by the correlation, today openly avowed, between the order of October 3, 1916, and the law of December, 1916, ordering the mobilization, in Germany itself, of the entire able bodied civil population for the auxiliary service of the army.

The deported Belgians have been incorporated into this vast economic military organism by approximately the same legislative claim and for exactly the same ends as the able-bodied male population of Germany; that is to say, to aid the German Army to support the burden of the war and to make a supreme effort.

## VI

### *No Danger to Public Order*

As to the reason founded on the maintenance of order and public safety, this need not detain a serious mind for an instant.

The Belgian people undoubtedly feel a profound aversion to the nation which has invaded their territory in contempt of treaties and of its obligations of guaranty, and which, for purely strategic reasons, has not hesitated to unchain the horrors of war upon a small, inoffensive state which was a stranger to the competition of the international rivalry of the great Powers.

But, not less than in the heroic bravery of the army, the grandeur of the Belgian character was revealed in the admirable self-control which the population has been able to maintain in the presence of the greatest injustice and of the most odious cruelty. During two years of occupation under a very severe regime, there has been no uprising,

no disorder anywhere. All the social authorities, or those who have been placed in such authority, have constantly occupied themselves in recommending calm and patience to the sorely tried people.

Moreover, the population has no arms; surrounded by a barrier of death-dealing electric wires, the population is literally held as in a cage. All constitutional liberties, liberty of opinion, of the press, of reunion, and of association, are suspended. The danger of disorder is so remote that the German administration has maintained only relatively weak garrisons in Belgium.

## VII

### *Germany's Real Object*

In reality, consideration for the proper social interests of Belgium and for the special conditions brought about by the events of the war, did not play any part in the elaboration of the order of October 3, 1916; that is only a hypocritical pretext invoked to hide, under the mask of a false humanitarian solicitude, the odious attempt which a momentary superiority of force has permitted to be perpetrated against the most sacred individual rights of the Belgian citizens.

The German Government pursues a definite object in deporting *en masse* and in subjecting to forced labor the population of the occupied territories, viz., to facilitate the employment of a corresponding number of German workmen in the active military service or in munition factories.

This object is that which was officially declared in the preparation of the law for the mobilization of civilians in Germany, the general provisions of which were merely applied to the Belgian civil population some weeks in advance by the order of October 3, 1916.

### *The Question of Right*

The conflict between such a measure and natural rights, as well as the positive law of nations, is undeniable. This measure has brought down upon it the unanimous reprobation of public opinion in all countries where public opinion can express itself freely. Several neutral states have felt that they could not avoid the moral obligation of registering this cry of the universal conscience in official remonstrances addressed to the German Government. It can be said without exaggeration that such an attack upon the essential rights of humanity had

never before been made in modern times by any state calling itself civilized.

The brutality and the duplicity with which the measure has been enforced have augmented (if such a thing be possible) this unprecedented scandal; they have wrung from Belgium, which seemed to have already reached the limit of the afflictions of a nation at war, a cry of anguish which has caused an echo of horror and indignation from the neutral states.

Although in 1863 the Instructions for the Armies in the Field, published for the use of the American troops, noted even then that deportation and reduction to servitude of the civil population of conquered states by the conqueror were no longer practiced, except among barbaric hordes, the spectacle has been seen, in Belgium, of the regular army of a powerful empire employed in carrying out methodic slave raids upon the citizens of a small, captive nation which had entered the war solely for the defense of its independence and for the fulfillment of its international duties.

#### VIII

##### *Execution of the Order*

The deportations have been carried out coolly by the occupant, according to a plan carefully thought out and in spite of the most formal promises and assurances of immunity lavished upon the population, a short time previously, by the highest representatives of the Imperial Government, notably, by the military governor of Antwerp and by the Governor General, Field Marshal von der Goltz. Belgian families have been torn apart without pity. Men of all ages (from 17 to 55 years and over), of every condition (assisted by charity or in easy circumstances, unemployed or employed, numbers of them even torn away from their work), have been carried off in herds, transported, under the most inhuman circumstances, to places which they are forbidden to make known to their families, and forcibly compelled to take part in work of direct or indirect military utility.

Before their departure they are formally called upon to choose between a so-called "voluntary" engagement for work in Germany with seemingly high wages, and, on the other hand, deportation, with a wage which is a mockery (30 pfennigs a day). Whether they sign the contract or not, it means forced separation from their families. The immense majority refuse to sign, and even refuse to work. They

are then subjected to horrible treatment, regulated cleverly and applied with the refinement of calculated cruelty which, it had been thought, was the attribute only of savage peoples or of those who had returned to savagery. Torture by hunger, by thirst, by cold, by standing rigidly, by whippings; threats of imprisonment and of death; blows with the rifle butt, etc.; every means were employed to overcome the resistance of these obscure heroes of patriotic duty.

### *Great Suffering Inflicted*

Reports that would make any civilized man tremble with indignation have come into the possession of the Belgian Government showing the unspeakable suffering inflicted on thousands of innocent people in the camps where the German Government has caused them to be huddled together, in order that this herd of pitiable human cattle may be sorted out and enslaved for the ends of despotism.

The suffering is perhaps still worse among those unfortunates who are sent to points behind the German lines in Flanders and in France.

Compelled, in spite of themselves, to undertake heavy toil and to work outdoors during the severest season of the year, without having been trained or hardened, exposed to artillery fire, deprived of proper clothing, and scarcely nourished, a multitude of these unfortunates soon fall from exhaustion and from illness. The mortality on the spot seems to be considerable. The sick and dying who can still be transported are sent home with less regard than slaves received in antiquity from their masters, who were interested in the care of human chattels who formed a part of their riches. Through the pitiable convoys of these repatriated Belgians there has been revealed the life which their compatriots lead who remain behind at work. There is only one word that can describe it: "It is a hell."

## IX

### *Consequences of the Outrage*

All the protests raised against this standing outrage against the dignity of civilized man, these attacks upon his corporeal integrity, upon his liberty to dispose of his person and of his work, upon his right to remain united to his family, upon his duty to abstain from serving the enemy of his country — all such protests have so far been in vain.



These outrages and attacks continue, without care for the seeds of hate that are sown in the hearts of the victims and of those near and dear to them and which threaten to render all social intercourse impossible, perhaps for centuries, between two important portions of the peoples of Europe.

The spectacle of such odious injustice creates, day by day, more clearly in the souls of all who witness it the impression of an exceptionally heinous crime which is inexpiable, although now carried on with momentary impunity.

As to those who are the victims, their resolution, rising above the cruelty and suffering which is their lot, remains steadfast and unshakable.

No peace is possible nor durable without the observance of the elementary rules of right, one of the first of which is respect for the human person.

No abuse of force can exhaust the resistance of the Belgian people to foreign oppression. All history witnesses that the aspiration of the Belgian people for independence is indomitable and that their endurance will win the mastery over tyranny.

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DOCUMENTS REGARDING THE CHENGCHIA TUN AFFAIR BETWEEN  
CHINA AND JAPAN<sup>1</sup>

COMMUNIQUE ISSUED BY THE CHINESE FOREIGN OFFICE

In August 1916, a dispute between a Japanese merchant named Yoshimoto and a Chinese soldier of the 28th Division stationed at Chengchia Tun led to a fracas between Japanese and Chinese soldiers. The Japanese soldiers had been in Chengchia Tun for over two years. They had no justification for being there. The Chinese Government had repeatedly protested against their presence.

A Japanese policeman who was informed of the dispute induced a Japanese lieutenant to lead some Japanese soldiers to the Chinese barracks to demand satisfaction. A fracas ensued in which four Chinese and twelve Japanese soldiers were killed and others wounded. The Japanese troops were reinforced and new detachments were stationed at posts on the highway between Chengchia Tun and Ssupinkai.

On September 2d, the Japanese Minister submitted to the Foreign

<sup>1</sup> English text of communiqué and authorized translations of notes reprinted from the *Peking Gazette*, Jan. 29, 1917.



Office a series of eight demands divided into two categories. Four were demands properly so called and four *desiderata*.

### *The Demands*

The Demands were:

1. Punishment of the general commanding the 28th Division.
2. The dismissal of the officers at Chengchia Tun responsible for the occurrence, as well as the severe punishment of those who took direct part in the fracas.
3. Proclamation to be posted ordering all Chinese soldiers and civilians in South Manchuria and Eastern Inner Mongolia to refrain from any act calculated to provoke a breach of the peace with Japanese soldiers or civilians.
4. China to agree to the stationing of Japanese police officers in places in South Manchuria and Eastern Inner Mongolia where their presence was considered necessary for the protection of Japanese subjects. China also to agree to the engagement by the officials of South Manchuria of Japanese police advisers.

### *The Desiderata*

The Desiderata were:

1. Chinese troops stationed in South Manchuria and Eastern Inner Mongolia to employ a certain number of Japanese military officers as advisers.
2. Chinese military cadet schools to employ a certain number of Japanese military officers as instructors.
3. The Military Governor of Mukden to proceed personally to Port Arthur to the Japanese Military Governor of Kwantung to apologize for the occurrence and to tender similar personal apologies to the Japanese Consul General in Mukden.
4. Adequate compensation to be paid by China to the Japanese sufferers and to the families of those killed.

In deference to the expressed desire of the Japanese Government, the Chinese Government did not discuss the rights and wrongs of the case itself, but proceeded direct to the discussion of the foregoing demands and desiderata, the Chinese Government throughout the negotiations being animated by a sincere desire to meet all Japanese proposals in a spirit of friendly compromise.

From September 9th to November 24th frequent conferences were

held, and the five demands embodied in the exchange of notes later referred to were verbally agreed upon. While disposed, however, to make every concession consistent with the preservation of China's sovereignty, the Chinese Government could not consent to the stationing of Japanese police officers in South Manchuria and Eastern Inner Mongolia and to the employment of Japanese military advisers and instructors.

On October 18th the Japanese Minister submitted a memorandum setting forth the duties of Japanese police officers and seeking to prove that these duties would not conflict with the duties of Chinese police in the same areas.

Dr. Wu Ting-fang, after having assumed charge of the Ministry of Foreign Affairs, continued the negotiations on December 19th. Several conferences were held, the Japanese Minister pressing for acceptance of the demands for the employment of Japanese police officers and military instructors and advisers, the Foreign Minister contending that such demands were neither just nor reasonable.

On January 5th the Japanese Minister handed the Chinese Government three notes verbales.

The first had regard to the engagement of military instructors in Chinese cadet schools, and explained that this desire on the part of Japan was inspired by the wish to assist in the development of a friendly spirit on the part of the Chinese military in Manchuria and in Eastern Inner Mongolia so that future recurrence of similar misunderstandings might be avoided. Japan expressed the hope that Japanese military instructors in the cadet schools would be appointed. Inasmuch, however, as the question was one which concerned Chinese military affairs it ought to be left to the discretion of the Chinese Government, and the Japanese Government would not insist upon it.

The second had regard to the employment of military advisers in South Manchuria and Eastern Inner Mongolia, and affirmed that this proposal on the part of Japan was inspired by the hope of bringing about a friendly interchange of views between the military of the two countries so as to prevent misunderstandings. Japan expressed the hope that Japanese military advisers in South Manchuria and Eastern Inner Mongolia would be appointed. Inasmuch, however, as this was a question concerning the military administration it must be left to the discretion of the Chinese Government, and the Japanese Government would not insist upon it.

The third note verbale had regard to the stationing of police officers. Japanese subjects, it said, traveling and residing in South Manchuria and Eastern Inner Mongolia must increase. For their protection and the preservation of order among them and to prevent misunderstanding it is necessary to increase the establishment of Japanese police officers and police stations. This is a corollary of the rights of extraterritoriality and does not violate Chinese sovereignty. Should the Chinese Government not express its concurrence with this view the Japanese Government would nevertheless, in case of necessity, be forced to carry it into effect.

After due consideration the Chinese Government replied on January 12th:

1. In the military cadet schools China has hitherto employed only Chinese instructors. She has no intention at present of employing foreign military instructors.

2. In the office of the Military Governor of Mukden a Japanese military adviser is already employed. The Japanese note verbale was noted.

3. In regard to the stationing of Japanese police officers the agreement of May 25th, 1915<sup>1</sup> provides that all Japanese subjects in South Manchuria and in Eastern Inner Mongolia referred to in the agreement shall "*submit to the police laws and ordinances and taxation of China.*" Questions arising from extraterritorial rights were thus provided for. Although the Japanese Minister may give an assurance that the Japanese police will not infringe the rights of the Chinese police and of the Chinese local administration, the stationing of Japanese police (in Chinese territory) will impair the spirit and the form of Chinese sovereignty and provoke misunderstanding on the part of the Chinese people to the detriment of friendly relations.

In regard to those Japanese police stations already established in Manchuria, the Chinese Government and local authorities have repeatedly protested against their presence. From investigations made by their delegates the Chinese Government are convinced that it was the Japanese police officer illegally stationed at Chengchia Tun despite the protests of the Chinese Government (Chengchia Tun being Chinese territory far removed from the Railway Zone) whose action was the direct cause of the regrettable conflict. The Chinese Government can never consent to the establishment of Japanese police stations in

<sup>1</sup> Supplement to this JOURNAL, January, 1916 (vol. 10), p. 5.

South Manchuria. It again protests and asks for the removal of those police stations already established.

The Chinese Government, therefore, requested that this demand should be abandoned, and declared that it could not recognize any action taken in pursuance of the Japanese statement that should the Chinese Government not express its concurrence with this demand the Japanese Government would nevertheless in case of necessity carry it into effect.

The negotiations ended by the Governments agreeing to embody in an exchange of notes the following five stipulations:

1. The general commanding the 28th Division will be reproved.
2. Officers responsible will be punished according to law. If the law provides for severe punishment such punishment will be inflicted.
3. Proclamations will be issued enjoining Chinese soldiers and civilians in the districts where there is mixed residence to accord considerate treatment to Japanese soldiers and civilians.
4. The Military Governor of Mukden will send a representative to Port Arthur to convey his regret when the Military Governor of Kwantung and the Japanese Consul General are there together.
5. Solatium of \$500 (five hundred dollars) will be given to the Japanese merchant Yoshimoto.

The Chengchia Tun incident having originated in a conflict between Chinese and Japanese soldiers, the Chinese Government considers that all Japanese soldiers within the district should be withdrawn in order to prevent any future disturbance. On January 22d the Wai Chiao Pu requested the Japanese Minister to state on what date the Japanese soldiers stationed between Ssupinkai and Chengchia Tun would be withdrawn. On the same day a reply was received from the Japanese Minister stating that when the five articles agreed upon are executed the Japanese troops sent to reënforce the Japanese detachment at the time of the incident will be withdrawn.

Throughout the negotiations the Chinese Government always animated by a spirit of compromise have been desirous of coming to a friendly settlement with Japan as proved by the concessions made. It confidently hopes that the Japanese Government will recognize this manifestation of good will and by the mutual exercise of great discipline and restraint in Manchuria in the future any recurrence of such regrettable incidents will be avoided.

## EXCHANGES OF NOTES

*Memorandum handed by the Japanese Minister to Dr. Chen Chintao,  
Acting Minister of Foreign Affairs*

The Imperial Government of Japan feels that the unfortunate Chengchiatun incident, occurring all of a sudden at a time when the relations between Japan and China have recently greatly improved, and [when] their mutual friendship has, just then, marked the beginning of a new era, is a matter of deep regret. It having made a careful investigation of the facts from all sides, is sincerely hoping for the rendition of an equitable decision based thereon. In a word, the present case arose out of the provocation on the part of the Chinese soldiers. Furthermore, the fact that the Japanese forces were invested and attacked by the Chinese soldiers admits of no doubt. Hence, it cannot be questioned but that the matter is a serious one. The Imperial Government, however, paying great regard to the relations between Japan and China, feels compelled to present this memorandum with a view to settling the case in dispute in a peaceful manner.

The Chinese Government is called upon immediately to effect the following provisions:

Punishment of the general commanding the 28th Division. The dismissal of all Chinese military officers responsible for this incident as well as the severe punishment of those who took direct part in the fracas.

Proclamations to be posted enjoining the whole body of the Chinese troops stationed in South Manchuria and Eastern Inner Mongolia, to refrain from again provoking the Japanese forces, or soldiers, or other Japanese subjects, by either word, or act; such proclamation to be also widely published by all Chinese officials functioning in those regions for the general information of the public.

To agree that the Japanese Government may, with a view to the protection and government of the Japanese subjects in South Manchuria and Eastern Inner Mongolia, send Japanese police officers to function at those places where considered to be necessary; also let the Chinese officials in South Manchuria employ more Japanese to serve as police advisers.

The following are optional with the Chinese Government:

Every Chinese army headquarter stationed in South Manchuria

and Eastern Inner Mongolia to employ a certain number of Japanese military officers as advisers.

Chinese military cadet schools to employ a certain number of Japanese military officers as instructors.

The Tu Chun of Fengtien Province to pay a personal visit, and to apologize to both the Government of Kwantung and Japanese Consul-General in Mukden.

Adequate compensation to be paid to the sufferers or their families.

*Note verbale handed by the Japanese Minister to the Chinese  
Minister of Foreign Affairs*

Peking, the 5th day of  
the 1st month of the  
6th year of Taisho.

The statement that if the Chinese Government should employ foreign advisers on military affairs in South Manchuria, Japanese will be employed first, etc., has been made in the note dated May 25th of the 4th year of the Republic of China, annexed to the treaty respecting South Manchuria and Eastern Inner Mongolia.<sup>1</sup> As the employment of Japanese military advisers will facilitate mutual understanding between the military authorities of the two countries, and further as there is no doubt that this will help to prevent various troubles which may arise out of misunderstanding, the Imperial Government entertain the hope that the Chinese Government will continuously employ Japanese military advisers. However, it is not proper for the Imperial Government to insist upon this matter since it concerns the military affairs of the Chinese Government, and should, therefore, be left to the discretion of the Chinese Government.

*Reply*

Peking, the 12th day  
of the 1st month of  
the 6th year of the  
Republic of China.

The Minister of Foreign Affairs has the honor to acknowledge the receipt of the Japanese Minister's Note Verbale of January 5, stating that

<sup>1</sup> Supplement to this JOURNAL, January, 1916 (vol. 10), p. 13.

(Japanese note repeated)

The Minister of Foreign Affairs has to state that there is a Japanese military adviser already engaged in the Tuchun's Yamen at Fengtien. The note verbale is noted.

*Note verbale handed by the Japanese Minister to the Chinese  
Minister of Foreign Affairs*

Peking, the 5th day of  
the 1st month of the  
6th year of Taisho.

The Imperial Government hopes the Chinese Government will employ a number of Japanese military officers to be instructors in military cadet schools. This is aimed at helping the training of military officers who will in the future be appointed to the various localities in Manchuria and Mongolia, and also to enlighten the spirit of friendship between China and Japan. Thus, it may be expected that unfortunate incidents like the Chengchia Tun case will not occur again and that the root of trouble may be exterminated permanently. However, it is not proper for the Imperial Government to insist upon this matter since it concerns the military affairs of the Chinese Government, and should, therefore, be left to the discretion of the Chinese Government.

*Reply*

Peking, the 12th day  
of the 1st month of  
the 6th year of the  
Republic of China.

The Chinese Minister of Foreign Affairs has the honor to acknowledge the receipt of the Japanese Minister's note verbale of January 5th, stating that

(Japanese note repeated)

The Minister of Foreign Affairs has to state that hitherto the military cadets school has employed only officers of the national army as instructors and there is at present no intention of employing any foreigner.



*Note verbale handed by the Japanese Minister to the Chinese  
Minister of Foreign Affairs*

In an aide memoire handed by the Japanese Minister to (Dr.) Chen, late Minister of Foreign Affairs, on October 18, 1916, it was stated that in consequence of the operation of the treaty respecting South Manchuria and Eastern Inner Mongolia the Japanese subjects traveling and residing at those places will increase in number and the Imperial Government, with a view to controlling and protecting those Japanese subjects, consider it necessary to increase the establishment of police stations, of which the Chinese Minister of Foreign Affairs is already aware.

The Imperial Government consider that the said demand, in the event of its withdrawal, will expose the Japanese subjects visiting and residing at those places to danger, thus causing trouble and giving rise to serious complications with Chinese officials and citizens.

Inasmuch as it is the duty of the Imperial Government to protect Japanese subjects and its right to control them, not only it cannot view such occurrences with indifference, but, in view of the friendly relations of the two nations, it also deems it its duty to take precautionary measures.

As the stationing of Japanese police officers is but a corollary of the right of extraterritoriality, not to speak of the fact that it does not in the least prejudice Chinese sovereignty, it will help to improve the relations of the officials and people of the two countries and bring about the development of economic interests to no small degree.

Therefore the Imperial Government is convinced that the Chinese Government will, without doubt, give its consent, and the Imperial Government has to add that, while the Chinese Government is making up its mind and withholding its consent, the Imperial Government will nevertheless be constrained to carry it into effect in case of necessity.

Dated the fifth day of the first month of the Sixth Year of Taisho.

*Reply*

Peking, the 12th day.  
of the 1st month of  
the 6th year of the  
Republic of China.

The Minister of Foreign Affairs has the honor to acknowledge the receipt of the Japanese Minister's Note Verbale of January 5, stating that

(Japanese note repeated)

In reply the Minister of Foreign Affairs has to state that:

Whereas by virtue of the new Chino-Japanese treaty <sup>1</sup> "Japanese subjects shall be free to reside and travel in South Manchuria and to engage in business and manufacture of any kind whatsoever"; and the Japanese and Chinese may jointly undertake agricultural enterprise and industries incidental thereto in Eastern Inner Mongolia, the Chinese Government, in anticipation of the gradual increase in number of the Japanese subjects, therefore caused to be stipulated in Article 5 of the said treaty that the Japanese subjects in South Manchuria and Eastern Inner Mongolia shall submit to the Chinese police laws and ordinances, so as to enable the Chinese police to effectively discharge the functions of protection and control.

Since the reason in support of the Japanese proposal to station police officers was with a view to protect and control Japanese subjects, but as there are already treaty provisions, there is no necessity to station Japanese police officers so as to avoid conflict with the Chinese police rights.

As the seven principal functions of the Japanese police officers, detailed in the aide memoire of October 18th last, are those either which should properly belong to the Chinese police, or those which are provided for by the existing treaties or those which are the duties of the constables (marshals) of consular courts, there is no necessity for the establishment of a Japanese police force, hence the question of police cannot be associated with extraterritoriality and the Chinese Government cannot recognize it as a corollary (of the right of extraterritoriality.) Ever since the conclusion of extraterritoriality treaties between China and the foreign Powers for several decades, no such claim has ever been heard.

Although the Japanese Minister has repeatedly declared that the said police would not interfere with Chinese local administration and police rights, yet after serious consideration by the Chinese Government the stationing of foreign police within the confines of Chinese territory, no matter under whatever circumstances, is prejudicial to the spirit and form of Chinese sovereignty, tending to cause misunderstanding on the part of the people, thus placing an impediment to the friendship of the two nations.

<sup>1</sup> Supplement to this JOURNAL for January, 1916 (vol. 10), p. 5 at p. 6.

As regards the Japanese police stations already established, the Chinese Government and the local authorities have repeatedly lodged their protests and have not accorded their recognition, nor is the Chinese Government able to admit the reasons for the stationing of Japanese police officers as stated in the note verbale.

This matter has no connection with the Chengchia Tun case, and at the conferences the Japanese Minister has repeatedly expressed the desire to detach it from the Chengchia Tun case. The Chinese Government considers it necessary to request the Japanese Government to abandon the matter. At the same time, it is not to be construed as meaning that the Chinese Government has recognized any action to carry the matter into effect.

*Note from the Japanese Minister to the Chinese  
Minister of Foreign Affairs*

Peking, the 22d day  
of the 1st month of  
the 6th year of Taisho.

I have the honor to inform Your Excellency that, with regard to the Chengchiatun affair for the settlement of which several conferences have been held between me and the Chinese Ministry of Foreign affairs prior to Your Excellency's assumption of office, the articles set forth hereunder have been mutually agreed upon and, with the exception of such modifications and alterations to the phraseology as have been considered, no further negotiation is possible. I, therefore, take this opportunity to submit the same to Your Excellency's consideration, and to request that a reply to that effect will be given.

1. The general commanding the 28th Division to be reproved.
2. The Chinese military officers responsible for this incident to be punished according to law. If the law provides for severe punishment such punishment will be inflicted.
3. An official proclamation to be issued in the districts where there is mixed residence, for the information of the soldiers and the people in general, to the effect that Japanese soldiers and subjects shall be accorded considerate treatment.
4. The Tu Chun of Fengtien Province to express, in an appropriate way, his regret to the Government of Kwantung and the Japanese Consul-General in Mukden, when they are together at Port Arthur,

but the method of this expression is left to the discretion of the said Tu Chun.

5. A solatium of \$500 is to be given to the Japanese merchant, Yoshimoto.

I avail, etc.

*Reply*

Peking, the 22d day  
of the 1st month of  
the 6th year of the  
Republic of China.

I have the honor to acknowledge the receipt of Your Excellency's note of today, stating

(Here follows the Japanese Minister's note)

In reply I have to state that I have taken note of the above articles, which I find are contained in the minutes of the several conferences and the records of this Ministry.

I avail, etc.

*Note from Chinese Minister of Foreign Affairs to Japanese Minister*

Peking, the 22d day  
of the 1st month of  
the 6th year of the  
Republic of China.

With regard to the Japanese soldiers dispatched by the Japanese Government and stationed between Ssupingkai and Chengchia Tun, I have the honor to inquire of Your Excellency as to the date when they will commence to be withdrawn and also the date when the withdrawal will be completed.

I shall be obliged by a reply setting forth the above details.

I avail, etc.

*Reply*

Peking, the 22d day  
of the 1st month of  
the 6th year of Taisho.

I have the honor to acknowledge the receipt of Your Excellency's note of today, asking for the withdrawal of the Japanese soldiers sta-

tioned between Ssuping kai and Chengchia Tun. The Imperial Government of Japan is of opinion that the entire additional forces sent to be stationed at the said places in consequence of the occurrence of the Chengchia Tun affair will be withdrawn as soon as the whole arrangement embodied in the five articles which were agreed upon at the Chengchia Tun negotiations has been carried out.

I avail, etc.

*Aide memoire handed by Japanese Minister to Dr. Chen Chintao,  
Acting Minister of Foreign Affairs*

[Unofficial Translation]

Dated 18th day of the  
10th month of the 5th  
year of Taisho.

According to the new treaty concluded last year respecting South Manchuria and Eastern Inner Mongolia, Japanese subjects shall have the right of residence, travel and commercial and industrial trade in South Manchuria, and the right to undertake agricultural enterprises and industries incidental thereto in the eastern part of Inner Mongolia jointly with Chinese subjects. The number of Japanese subjects in South Manchuria and Eastern Inner Mongolia will, therefore, inevitably increase gradually. The Imperial Government of Japan considers it necessary to station Japanese police officers in these regions for the purpose of controlling and protecting their own subjects. It is a fact that a number of Japanese police officers have already been stationed in the interior of South Manchuria, and they have been recognized by the local officials of the localities concerned, since intercourse has been conducted between them. The Imperial Government of Japan proposes gradually to establish additional stations for Japanese police officers in the interior of South Manchuria and Eastern Inner Mongolia wherever and whenever necessary. The localities where such stations for police officers are to be established will of course depend upon the number of Japanese subjects residing thereat and, therefore, cannot be specified in advance. Since this will involve great expense, it is unlikely that many police stations will be established at once. The organization of such stations for police officers will also depend upon the existing conditions of the localities selected and the number of Japanese subjects residing at such places. There will be

only a few Japanese police officers at each station as established. The more important duties of such police officers are as follows:

1. To prevent Japanese subjects from committing crimes;
2. To protect Japanese subjects when attacked;
3. To search, arrest and escort Japanese prisoners, under the jurisdiction of a Japanese consulate;
4. To attend to the enforcement of consular orders in connection with civil cases, such as the duties of the registrar;
5. Investigation and supervision of the personal standing of Japanese subjects;
6. Control and discipline of Japanese subjects who violate the provisions of treaties between Japan and China; and
7. To see that Japanese subjects abide by the provisions of Chinese police regulations when the agreement between Japan and China respecting the same should actually come into force.

In short, the establishment of stations for Japanese police officers in South Manchuria and Eastern Inner Mongolia is based on consular jurisdiction, and its aim is efficiently to protect and discipline Japanese subjects, to bring about a completely satisfactory relationship between the officials and people of the two countries, and gradually to develop the financial relations between Japan and China. The Chinese Government is requested speedily to recognize the demands precisely as it has the establishment of consulates and consular agents in the interior of South Manchuria in pursuance of the policy to maintain the friendly relations between China and Japan.

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AGREEMENT BETWEEN THE UNITED KINGDOM AND FRANCE RESPECTING  
TRADE WITH MOROCCO AND EGYPT IN TRANSIT THROUGH BRITISH  
AND FRENCH TERRITORIES IN AFRICA<sup>1</sup>

*Signed at London, August 24, 1916*

The Government of His Britannic Majesty and the Government of the French Republic, being desirous of concluding the agreement contemplated by Article 4 of the Declaration between Great Britain and France of the 8th April, 1904,<sup>2</sup> respecting the trade of the two nations with Morocco and Egypt in transit through French and British terri-

<sup>1</sup> Great Britain, Treaty Series, 1916, no. 7.

<sup>2</sup> Supplement to this JOURNAL, January, 1907 (vol. 1), p. 6.

tories in Africa, the undersigned, duly authorized to that effect by their respective governments, have agreed upon the following articles:

#### ARTICLE 1

Goods exported from, or dispatched to, the United Kingdom, which may be despatched to, or emanate from, Morocco, and which pass in transit through Tunis, Algeria, or other territories bordering on Morocco and belonging to France or recognizing her sovereignty, and goods exported from, or dispatched to, France which may be dispatched to, or emanate from, Egypt, and which pass in transit through British East Africa or Uganda, shall be accorded a treatment exactly similar to that applied respectively to goods exported from, or dispatched to, France, and to goods exported from, or dispatched to, the United Kingdom, so far as concerns customs duties and other dues to which they may be liable in the territories through which they pass in transit, so far as concerns railway rates and imposts so far as concerns the customs regulations in force affecting their ingress and egress, so far as concerns the method of transit, and, in general, so far as concerns all customs facilities.

For the execution of the present agreement, a decree shall lay down the conditions governing the transit across Algerian territory of goods of foreign origin emanating from or dispatched to Morocco.

#### ARTICLE 2

The present reciprocal agreement shall be valid for a period of thirty years. Unless the agreement is expressly denounced at least one year in advance, this period shall be extended for five years at a time.

In witness whereof the undersigned have signed the present agreement and have affixed thereto their seals.

Done in duplicate at London, the 24th day of August, 1916.

(L.S.) GREY OF FALLODON.

(L.S.) PAUL CAMBON.

#### *French Decree of May 2, 1915, regulating the Transit of Goods through Algeria*

A translation of this decree is shown below in connection with the foregoing Agreement:



*Ministry of Commerce, Industry,  
Posts and Telegraphs.*

The President of the French Republic,

On the report of the Ministry of Commerce and Industry,

Having regard to Article 4 of the Law of the 5th July, 1836, which confers on the government power to designate the custom-houses through which import, transit, and export of certain goods shall be effected;

To the Laws of the 28th April, 1816, 27th March, 1817, and 16th May, 1863;

To the Laws of the 17th December, 1814, and 9th February, 1832, relating to transit;

To Article 9 of the Law of the 17th July, 1867, regarding the Customs regime of Algeria;

To the Law of the 11th January, 1892, establishing the customs tariff and subsequent amending laws;

To Article 15 of the Law of 16th April, 1895;

To Article 5 of the Decree of the 17th December, 1896;

In view of the proposals of the Governor General of Algeria and of the recommendations of the Minister for Foreign Affairs, the Minister of Finance, the Minister of the Interior, and the Minister of War;

**Decrees:**

Article 1. The custom-houses set up in Algerian ports, as well as the international custom-house at Ghardimaou, are open for the transit of non-prohibited goods, including such non-prohibited goods as are liable to octroi duties and internal taxes, but excluding goods falling under No. 91 of the General Customs Tariff.

The custom-houses of Adjeroud-Kiss (land), Lalla-Marnia, and El Aricha are open for the transit of non-prohibited goods imported from Morocco.

Art. 2. The reëxportation of the goods above referred to shall be effected through the Algerian custom-houses of Adjeroud-Kiss (land), Lalla-Marnia, and El Aricha, or through other custom-houses which may be set up on the Algerian-Moroccan frontier from the coast to Teniet-Sassi.

The custom-houses at Saïdia, Martimprey, Oudjda, and Debdou, together with other custom-houses which may hereafter be set up in the same region, will correspond, as points of entry into Moroccan

territory, to the above-mentioned points of dispatch from Algerian territory, where the examination of goods exported under transit regulations is to take place.

Art. 3. Goods sent by rail to Morocco shall, from the point of departure, be the subject of a bond (independent of the international transit engagements to insure the sealing of the wagons as far as the terminus of the railway) guaranteeing transport to one of the above-mentioned custom-houses in Moroccan territory, and these bonds will not be formally canceled until they have been indorsed with a certificate establishing the arrival of the goods in question and their being taken in charge by the Customs authorities of the Protectorate.

Beyond Teniet-Sassi, dispatches of goods shall take place under the same conditions after break of freighting at Aïn-Safra, Beni-Ounif, or Colombi-Bechard, according to the ultimate destination of the goods. Transport shall then be effected into Moroccan territory under ordinary transit bonds delivered at the place of dispatch. The canceling of these bonds will in the same way be dependent upon the delivery by the military or administrative authority of a certificate establishing the arrival of the goods in Moroccan territory and their being taken in charge by the Shereefian service.

Art. 4. Dispatches of goods shall be carried out, by means of the formalities of sealing and affording guarantees for payment of the duty, in the manner laid down by Article 4 of the Decree of the 17th December, 1896.

In cases of transport effected from the point of dispatch to the point of ultimate destination by railway, or by vehicles which provide all necessary safeguards, sealing up of loads may be substituted for sealing of the packages.

Art. 5. The periods allowed for the formal canceling of bonds and engagements entered into at the place of dispatch are fixed by the customs authorities, who will take into account the conditions under which the convoys are marshaled and the normal duration of transport.

Art. 6. The special transit regime provided for by Article 15 of the Law of the 16th April, 1895, and regulated by the Decree of the 17th December, 1896, remains in force only in cases of clearances for oases in the Sahara. In these cases the maximum term of a year provided for by Article 5 of the last-mentioned Decree is reduced to a maximum of four months. This term may be extended by a term of equal length by a special ruling of the Director of Algerian Customs,

when such appears justified by exceptional circumstances which may have interrupted or delayed direct transport.

Art. 7. The Minister of Commerce, Industry, Posts and Telegraphs, the Minister for Foreign Affairs, the Minister of Finance, the Minister of the Interior, and the Minister for War are entrusted within their respective provinces with the execution of this Decree, which shall be published in the *Journal officiel* and in the *Bulletin officiel* of the Government-General of Algeria.

Given at Paris, the 2d May, 1915.

R. POINCARÉ.

By the President of the Republic:

GASTON THOMSON,  
*Minister of Commerce, Industry,  
Posts and Telegraphs.*

DELCASSÉ,  
*Minister for Foreign Affairs.*

A. RIBOT,  
*Minister of Finance.*

L. MALVY,  
*Minister of the Interior.*

A. MILLERAND,  
*Minister for War.*

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EXCHANGE OF NOTES BETWEEN THE UNITED KINGDOM AND FRANCE AND  
RUSSIA MODIFYING ARTICLE 2 OF THE CONVENTION OF NOVEMBER  
9, 1914, RELATING TO PRIZES CAPTURED DURING THE PRESENT WAR.<sup>1</sup>

*Article 2 of Convention of November 9, 1914 (Captures of Merchant  
Vessels belonging to the Allied Countries)*

By exchange of notes (15th February — 27th April, 1915) between His Majesty's Government and the French Government it has been agreed that, where both vessel and cargo are proceeded against under Article 2 of the convention of the 9th November, 1914,<sup>2</sup> the provisions of paragraph 1 of that article shall be held to apply in all cases. Where only the cargo of the vessel is concerned, however, it has been agreed that, in addition to the specific case provided for by Article 2, para-

<sup>1</sup> Great Britain, Treaty Series, 1916, No. 5.

<sup>2</sup> Supplement to this JOURNAL, January, 1916 (vol. 10), p. 20.

graph 2 — viz., where the original destination of the vessel was an enemy port — the principles laid down in that paragraph shall apply also to cases of contraband consigned to a neutral port and to cases of enemy property where the original destination was not a hostile port.

By exchange of notes (31st May, 1915–26th October, 1916) between His Majesty's Government and the Russian Government it has been agreed that a similar interpretation of Article 2 of the convention shall be held to apply in the cases above referred to.\*

[Official footnote]

\* By the Imperial Russian Ukase of the 10th/23rd August, 1915, it is decreed that enemy cargo found in Russian vessels, and equally in Allied vessels, which have been overtaken by the war in Russian ports or littoral waters, or which have entered therein during the war is liable to confiscation on the order of the nearest prize court.

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ACCESSION OF ITALY TO THE CONVENTION OF NOVEMBER 9, 1914, BETWEEN THE UNITED KINGDOM AND FRANCE RELATING TO PRIZES CAPTURED DURING THE PRESENT WAR.<sup>1</sup>

*London, January 15, 1917*

(1)

*The Italian Ambassador to His Majesty's Secretary of State for Foreign Affairs*

(Translation)

*LONDON, January 15, 1917.*

SIR,

With reference to Viscount Grey of Fallodon's note of the 24th July, 1915, I have the honor to inform your excellency that the Italian Government have decided to accede to the convention concluded between Great Britain and France on the 9th November, 1914,<sup>2</sup> relating to naval prizes during the present European war, notwithstanding the interpretation which has been given by the British and French Governments to Article 2 of the convention referred to in paragraphs 2 and 3 of the above-mentioned note.<sup>3</sup>

<sup>1</sup> Great Britain, Treaty Series, 1917, No. 6.

<sup>2</sup> Supplement to this JOURNAL, January, 1916 (vol. 10), p. 20.

<sup>3</sup> Printed herein, p. 129.

In requesting your excellency to take note, in the name of the British Government, of the present declaration, I have the honor, etc.  
IMPERIALI.

(2)

*His Majesty's Secretary of State for Foreign Affairs to the Italian Ambassador*

FOREIGN OFFICE, *January 26, 1917.*

YOUR EXCELLENCY,

I have the honor to acknowledge the receipt of your excellency's note of the 15th instant, in which you are good enough to inform me of the accession of Italy to the convention between the United Kingdom and France of the 9th November, 1914, relative to prizes captured during the present war, as modified by the extended interpretation which has since been assigned by the contracting parties to Article 2 thereof.

His Majesty's Government have taken due note of this communication, a certified copy of which will, in view of Article 9 of the convention, be forwarded to the French and Russian Governments.

I have the honor, etc.

A. J. BALFOUR.

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TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED KINGDOM  
AND PORTUGAL<sup>1</sup>

*Signed at Lisbon, August 12, 1914: ratifications exchanged at  
Lisbon, May 20, 1916*

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the Portuguese Republic, being desirous of further facilitating and extending the commercial relations already existing between their respective countries, have determined to conclude a new treaty with this object and have appointed as their plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas, Emperor of India: The Honorable Lancelot Douglas Carnegie, Envoy Extraordi-

<sup>1</sup> Great Britain, Treaty Series, 1916, No. 6.

nary and Minister Plenipotentiary of His Britannic Majesty to the Portuguese Republic, member of the Royal Victorian Order; and

The President of the Portuguese Republic: M. Alfredo Augusto Freire de Andrade, Minister of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE 1

There shall be between the territories of the two contracting parties full and complete freedom of commerce and navigation.

The subjects or citizens of each of the two contracting parties shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other to which native subjects or citizens are or may be permitted to come. They shall not be subject in respect of their commerce or industry in the territories of the other, whether their residence there is of a permanent or temporary character, to any duties, taxes, imposts or licenses of any kind whatever other or higher than those which are or may be imposed upon native subjects or citizens, and they shall enjoy the same rights, privileges, liberties, immunities, and other favors in matters of commerce and industry as are or may be enjoyed by native subjects or citizens.

#### ARTICLE 2

The subjects or citizens of each of the contracting parties shall be exempted, in the territory of the other party, from all personal service in the army, navy, and national militia; from all war charges, forced loans, military requisitions, and contributions of whatever nature. Their properties shall not be seized, sequestered, nor their ships, cargoes, goods, or effects retained for any public use, unless they have been previously allowed compensation, to be agreed upon between the interested parties on just and equitable bases. The charges connected with the possession by any title of landed property are excepted, as well as the obligation of military billeting and other special requisitions or exactions for the military forces to which all nationals or subjects or citizens of the most favored nation may be liable as owners, tenants, or occupiers of real property.

## ARTICLE 3

The contracting parties agree that in all matters relating to commerce, navigation, and industry any privilege, favor, or immunity which either contracting party has actually granted or may hereafter grant to the subjects or citizens or ships of any other foreign state shall be extended immediately and unconditionally to the subjects or citizens or ships of the other, it being their intention that the commerce, navigation, and industry of each country shall be placed in all respects on the footing of the most favored nation.

## ARTICLE 4

The subjects or citizens of each of the contracting parties in the territories of the other shall be at full liberty to acquire and possess every description of property, movable and immovable, which the laws of the country permit, or shall permit, the subjects or citizens of the state to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, or acquire the same by inheritance under the same conditions which are or shall be established with regard to subjects or citizens of the state. They shall not be subjected in any of the cases mentioned to any taxes, imposts, or charges of whatever denomination other or higher than those which are or shall be applicable to subjects or citizens of the state.

The subjects or citizens of each of the contracting parties shall also be permitted, on compliance with the laws of the country, freely to export the proceeds of the sale of their property and their goods in general without being subjected as foreigners to other or higher duties than those to which subjects or citizens of the country would be liable under similar circumstances.

## ARTICLE 5

Articles the produce and manufacture of one of the contracting parties imported into the territories of the other, from whatever place arriving, shall not be subject to other or higher duties or charges than those which are or may be levied on the like articles the produce or manufacture of any other foreign country. In like manner, articles the produce or manufacture of one of the contracting parties exported to the territories of the other shall not be subjected to other or higher duties or charges than those which are or may be levied on the like



articles exported to any other foreign country. The contracting parties also reciprocally undertake that no more favorable treatment shall be extended to the goods of any other foreign country in respect of importation, import duties, exportation, export duties, reexportation, reexport duties, customs facilities, warehousing, transshipment, drawbacks, and commerce and navigation in general.

#### ARTICLE 6

His Britannic Majesty's Government engage to recommend to Parliament to prohibit the importation into and sale for consumption in the United Kingdom of any wine or other liquor to which the description "Port" or "Madeira" is applied other than wine the produce of Portugal and of the island of Madeira respectively.

#### ARTICLE 7

No prohibition or restriction shall be maintained or imposed on the importation of any article the produce or manufacture of either of the contracting parties into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other foreign country. The only exceptions to this general rule shall be in the case of the sanitary or other prohibitions occasioned by the necessity of securing the safety of persons or of cattle or of plants useful for agriculture, and of the measures applicable in either of the two countries to articles enjoying a direct or indirect bounty in the other.

Nor shall any prohibition or restriction be maintained or imposed on the exportation of any article from the territories of either of the two contracting parties to the territories of the other which shall not equally extend to the exportation of the like articles to any other foreign country.

#### ARTICLE 8

Merchandise of all kinds the produce or manufacture of one of the contracting parties passing in transit through the territories of the other shall be reciprocally free from all transit duties, whether they pass direct or whether during transit they are unloaded, warehoused, and reloaded, and no prohibition or restriction shall be maintained or imposed on the transit of such merchandise which shall not equally extend to the transit of the like article the produce or manufacture of any other foreign country.

## ARTICLE 9

Goods of all kinds, the produce or manufacture of one of the contracting parties imported into the territories of the other, shall not be subject to excise, octroi, or consumption dues, levied on account of the state or of the municipalities, higher than those payable on similar articles of native origin.

## ARTICLE 10

The stipulations of the present treaty with regard to the mutual accord of the treatment of the most favored nation apply unconditionally to the treatment of commercial travelers and their samples. The chambers of commerce, as well as other trade associations and other recognized commercial associations in the contracting states as may be authorized in this behalf, shall be mutually accepted as competent authorities for issuing any certificates that may be required for commercial travelers.

Articles imported by commercial travelers as samples shall, in each country, be temporarily admitted free of duty on compliance with the customs regulations and formalities established to assure their reexportation or the payment of the prescribed customs duties if not reexported within the period allowed by law. But the foregoing privilege shall not extend to articles which, owing to their quantity or value, cannot be considered as samples, or which, owing to their nature, could not be identified upon reexportation.

In order to facilitate the clearance of samples of goods brought by commercial travelers of one of the two states into the territories of the other to be used as samples or patterns for the purpose of obtaining orders and not for sale, the marks, stamps, or seals affixed by the customs authorities of one country to commercial samples at the time of exportation, and the list of such samples drawn up in proper form and certified by the competent authority, such list containing an exact description of the samples, shall form sufficient evidence, so far as the respective customs authorities are concerned, of their nature, and shall entitle them to exemption from all customs examination except in so far as may be necessary to establish that the samples produced are identical with those enumerated in the list. The customs authorities of either country are, however, at liberty to affix a supplementary mark to such samples, should this precaution in particular cases be considered necessary.

## ARTICLE 11

Each of the contracting parties shall permit the importation or exportation on the vessels of the other of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective territories on the vessels of the other; and such vessels and their cargoes and passengers shall enjoy the same privileges, and shall not be subjected to any other or higher duties or charges than the vessels, cargoes, and passengers of the most favored nation.

## ARTICLE 12

Notwithstanding anything in this treaty, either of the contracting parties reserves the right to confine to national vessels the trade between any ports within its territories. In the event of this right being exercised by either country, nothing in this treaty shall be construed as entitling the vessels of that country to participate in the corresponding trade between ports of the other country.

British and Portuguese vessels may, nevertheless, proceed from one port to another, either for the purpose of landing the whole or part of their passengers or cargoes brought from abroad, or of taking on board the whole or part of their passengers or cargoes for a foreign destination.

It is also understood that no vessel shall be considered as engaging in trade between two ports of one of the contracting states merely because it carries between those ports passengers holding through tickets or merchandise consigned on through bill of lading to or from some place outside the territories of that state.

## ARTICLE 13

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other analogous duties of whatever nature, or under whatever denomination, levied in the name or for the profit of the government, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the territories of either of the contracting parties upon the vessels of the other or on their cargoes in lieu of on the vessels which shall not equally and under the same conditions be imposed in the like cases on vessels of the most favored nation in general. Such equality of treatment shall apply to the respective vessels, from whatever port or place they may arrive, and whatever may be their destination.

## ARTICLE 14

In all that regards the stationing, loading, and unloading of vessels in ports, docks, roadsteads and harbors every privilege granted by either of the contracting parties to the vessels of any third country shall be extended immediately and unconditionally to the vessels of the other contracting party.

## ARTICLE 15

Any vessel of either of the contracting parties which may be compelled by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any vessel of one of the contracting parties should run aground or be wrecked upon the coasts of the other, such vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Portuguese consular officer in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of the country, and such consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The contracting parties agree, moreover, that merchandise saved shall not be subjected to the payment of any customs duty unless cleared for internal consumption.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective consular officers shall, if the owner or master or other agent of the owner is not present, or is present

and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

#### ARTICLE 16

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to Portuguese law, are to be deemed Portuguese vessels, shall, for the purposes of this treaty, be deemed British or Portuguese vessels respectively.

#### ARTICLE 17

Limited liability and other companies and associations, commercial, industrial, and financial, already or hereafter to be organized in accordance with the laws of either contracting party and registered in the territories of such party, are authorized in the territories of the other to exercise their rights and appear in the courts either as plaintiffs or defendants, subject to the laws of such other party.

#### ARTICLE 18

It shall be free to each of the high contracting parties to appoint consuls-general, consuls, vice-consuls, and consular agents to reside in the towns and ports of the territories of the other. Such consuls-general, consuls, vice-consuls, and consular agents, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the government to which they are sent.

#### ARTICLE 19

The consuls and consular agents of each of the contracting parties, residing in the territories of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

Provided that this stipulation shall not apply to subjects or citizens of the state in whose territory the desertion takes place.

#### ARTICLE 20

The subjects or citizens of each of the high contracting parties shall have, in the territories of the other, the same rights as subjects or citizens of that State in regard to patents for inventions, trade-marks, and designs, upon fulfillment of the formalities prescribed by law.

## ARTICLE 21

The present treaty shall extend, as regards Portugal, to the mother-country and adjacent islands (Madeira, Porto Santo, and Azores), but shall not extend to any of the dominions, colonies, possessions, or protectorates of either contracting party unless notice of the desire of such contracting party that the treaty shall apply to any such dominion, colony, possession, or protectorate shall have been given to the other contracting party before the expiration of one year from the date of the exchange of the ratifications of the present treaty.

Nevertheless, the goods produced or manufactured in any of His Britannic Majesty's dominions, colonies, possessions, and protectorates shall enjoy in Portugal complete and unconditional most-favored-nation treatment so long as such dominion, colony, possession, or protectorate shall accord to goods the produce or manufacture of Portugal treatment as favorable as it gives to the produce or manufacture of any other foreign country; and reciprocally the goods produced or manufactured in any Portuguese colony or possession shall enjoy like most-favored-nation treatment in the United Kingdom of Great Britain and Ireland so long as such colony or possession shall accord to goods the produce or manufacture of the United Kingdom treatment as favorable as it gives to the produce or manufacture of any other foreign country.

Colonial goods reexported from the mother-country of one of the contracting parties shall be treated in the territory of the other as proceeding from that mother-country, and shall therefore be exempt from supertaxes on indirect trade which may eventually be established.

## ARTICLE 22

Any controversy which may arise between the contracting parties regarding the interpretation or application of the present treaty, as well as the rates of the conventional tariffs agreed upon between the contracting parties and third states, shall, on the demand of one or other of the contracting parties, be adjusted by means of arbitration.

A court of arbitration shall in each case be constituted in the following manner:

1. Each of the contracting parties shall name an arbitrator from among the competent subjects or citizens of the country.
2. The two contracting parties shall then choose a subject of a third country to act as umpire.

3. In the event of no agreement being reached as to the umpire, each of the contracting parties shall name a candidate of different nationality from those of the persons proposed under the preceding paragraph. The selection of one of the two candidates so nominated for the office of umpire shall be decided by lot, unless the two contracting parties shall come to an agreement on the subject. The umpire shall preside at the court of arbitration, which shall decide by a majority of votes. On the first occasion of arbitration the court shall sit in the territory of the country decided by lot; in the second case it shall sit in the territory of the other country; and subsequently alternately in the territory of the two contracting parties in a place selected by the government of the country where the court is to meet. The necessary officers and staff shall be provided for the court by the government of the country in which it meets. Each of the contracting parties shall be represented before the court by one or more agents, who may be assisted by lawyers.

The proceedings shall be solely in writing, but, nevertheless the court shall be entitled to require verbal explanations from the agents of the two parties and to hear experts and witnesses if they shall deem such a course advisable. The costs of the arbitration shall be divided equally between the two contracting parties.

#### ARTICLE 23

The present treaty shall be ratified and the ratifications shall be exchanged at Lisbon as soon as possible. It shall come into force fifteen days after the exchange of ratification,<sup>1</sup> and shall remain binding for a period of ten years. In case neither of the contracting parties shall have given notice to the other twelve months before the date of expiration of this period of their intention to terminate it, it shall remain in force until the expiration of one year from the day on which either of the contracting parties shall have denounced it.

As regards, however, the dominions, colonies, possessions, and protectorates which may have adhered to the present treaty in virtue of Article 21, either of the contracting parties shall have the right to terminate it separately at any time on giving twelve months' notice to that effect.

It is understood that the stipulations of the present and of the pre-

<sup>1</sup> See, however, Declaration of May 20, 1916, p. 142, *infra*.



ceding article referring to British dominions, colonies, possessions, or protectorates apply also to the Island of Cyprus.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereto their seals.

Done in duplicate at Lisbon, the 12th day of August, 1914.

(L.S.) LANCELOT D. CARNEGIE.  
ALFREDO AUGUSTO.  
FREIRE DE ANDRADE.

#### FINAL PROTOCOL

On proceeding to sign the Treaty of Commerce and Navigation concluded this day between the United Kingdom and Portugal the undersigned plenipotentiaries have made the following reservations and declarations, which shall form an integral part of the treaty:

#### *Ad* ARTICLE 17

It is understood that the provisions of Article 17 do not affect the right of either contracting party to require, by their internal legislation, the prior consent of the competent local authorities before foreign companies or associations can institute local branches or agencies for the carrying out of banking or assurance operations.

It is understood that the provisions of this treaty, which secure in Portugal most-favored-nation treatment to British goods and vessels, shall not apply to the special favors which Portugal accords, or may hereafter accord, to the goods or vessels of Spain or Brazil.

It is understood that this treaty shall not come into force until the sanction of the British Parliament for Article 6 has been obtained.<sup>1</sup>

The present protocol, which shall be considered as approved and sanctioned by the contracting parties without any other special ratification, by the sole fact of the exchange of the ratifications of the treaty to which it appertains, has been drawn up in duplicate at Lisbon the 12th August, 1914.

LANCELOT D. CARNEGIE.  
ALFREDO AUGUSTO.  
FREIRE DE ANDRADE.

<sup>1</sup> See Declaration of May 20, 1916, p. 142, *infra*.

## DECLARATION

The plenipotentiary of His Britannic Majesty on signing the treaty declares that the concession by His Majesty's Government in Article 6 is made only in return for improvement in the customs treatment of British goods by the Portuguese Government, and without prejudice to the views of the two contracting parties as to the proper interpretation to be placed on Article 4 of the Madrid Convention of the 14th April, 1891.<sup>1</sup>

In witness whereof the respective plenipotentiaries have signed the present Declaration.

LANCELOT D. CARNEGIE.  
ALFREDO AUGUSTO  
FREIRE DE ANDRADE.

## DECLARATION

*May 20, 1916*

*Exchange of Ratifications*

The undersigned, having met together in order to proceed to the exchange of the ratifications of His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and his Excellency the President of the Portuguese Republic, of the Treaty of Commerce and Navigation between Great Britain and Portugal, signed at Lisbon on the 12th August, 1914, and having produced the instruments of these ratifications, which were found in order, to correspond, and drawn up in good and due form, made the following Declaration, which is hereby recorded in the present act with the same force as if it were annexed to the text of the treaty:

As soon as the Treaty of Commerce and Navigation between Great Britain and Portugal, signed at Lisbon on the 12th August, 1914, enters into force, the description "port" applied to wine the produce of Portugal imported into the United Kingdom shall be deemed to be a false description, for the purposes mentioned in Article 6 of the said treaty, if the wine is not accompanied by a certificate issued by the competent Portuguese authorities guaranteeing that, according to the terms of Portuguese law, the said description may be applied thereto.

<sup>1</sup> See Treaty Series, No. 13 (1892).

This treaty shall not come into force until the sanction of the British Parliament for this Declaration has been obtained.<sup>1</sup>

In witness whereof the undersigned have drawn up the present Act, which they have signed in duplicate and affixed thereto their respective seals.

Done at Lisbon, this 20th day of May, 1916.

(L.S.) LANCELOT D. CARNEGIE,  
*Envoy Extraordinary and Minister Plenipotentiary.*

(L.S.) AUGUSTO LUIS VIEIRA SOARES,  
*Ministro dos Negocios Estrangeiros.*

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ADDRESS OF THE PRESIDENT OF THE UNITED STATES DELIVERED AT A  
JOINT SESSION OF THE TWO HOUSES OF CONGRESS, APRIL 2, 1917<sup>2</sup>

GENTLEMEN OF THE CONGRESS:

I have called the Congress into extraordinary session because there are serious, very serious, choices of policy to be made, and made immediately, which it was neither right nor constitutionally permissible that I should assume the responsibility of making.

On the third of February last I officially laid before you the extraordinary announcement of the Imperial German Government that on and after the first day of February it was its purpose to put aside all restraints of law or of humanity and use its submarines to sink every vessel that sought to approach either the ports of Great Britain and Ireland or the western coasts of Europe or any of the ports controlled by the enemies of Germany within the Mediterranean. That had seemed to be the object of the German submarine warfare earlier in the war, but since April of last year the Imperial Government had somewhat restrained the commanders of its undersea craft in conformity with its promise then given to us that passenger boats should not be sunk and that due warning would be given to all other vessels which its submarines might seek to destroy, when no resistance was offered or escape attempted, and care taken that their crews were given at

<sup>1</sup> See Anglo-Portuguese Commercial Treaty Acts, 1914 and 1916 (5 Geo. V, cap. 1, and 6 and 7 Geo. V. cap. 39). The treaty came into force accordingly on Sept. 23, 1916.

<sup>2</sup> H. Doc. No. 1, 65th Cong., 1st sess.

least a fair chance to save their lives in their open boats. The precautions taken were meager and haphazard enough, as was proved in distressing instance after instance in the progress of the cruel and unmanly business, but a certain degree of restraint was observed. The new policy has swept every restriction aside. Vessels of every kind, whatever their flag, their character, their cargo, their destination, their errand, have been ruthlessly sent to the bottom without warning and without thought of help or mercy for those on board, the vessels of friendly neutrals along with those of belligerents. Even hospital ships and ships carrying relief to the sorely bereaved and stricken people of Belgium, though the latter were provided with safe conduct through the proscribed areas by the German Government itself and were distinguished by unmistakable marks of identity, have been sunk with the same reckless lack of compassion or of principle.

I was for a little while unable to believe that such things would in fact be done by any government that had hitherto subscribed to the humane practices of civilized nations. International law had its origin in the attempt to set up some law which would be respected and observed upon the seas, where no nation had right of dominion and where lay the free highways of the world. By painful stage after stage has that law been built up, with meager enough results, indeed, after all was accomplished that could be accomplished, but always with a clear view, at least, of what the heart and conscience of mankind demanded. This minimum of right the German Government has swept aside under the plea of retaliation and necessity and because it had no weapons which it could use at sea except these which it is impossible to employ as it is employing them without throwing to the winds all scruples of humanity or of respect for the understandings that were supposed to underlie the intercourse of the world. I am not now thinking of the loss of property involved, immense and serious as that is, but only of the wanton and wholesale destruction of the lives of non-combatants, men, women, and children, engaged in pursuits which have always, even in the darkest periods of modern history been deemed innocent and legitimate. Property can be paid for; the lives of peaceful and innocent people cannot be. The present German submarine warfare against commerce is a warfare against mankind.

It is a war against all nations. American ships have been sunk, American lives taken, in ways which it has stirred us very deeply to learn of, but the ships and people of other neutral and friendly nations

have been sunk and overwhelmed in the waters in the same way. There has been no discrimination. The challenge is to all mankind. Each nation must decide for itself how it will meet it. The choice we make for ourselves must be made with a moderation of counsel and a temperateness of judgment befitting our character and our motives as a nation. We must put excited feeling away. Our motive will not be revenge or the victorious assertion of the physical might of the nation, but only the vindication of right, of human right, of which we are only a single champion.

When I addressed the Congress on the twenty-sixth of February last I thought that it would suffice to assert our neutral rights with arms, our right to use the seas against unlawful interference, our right to keep our people safe against unlawful violence. But armed neutrality, it now appears, is impracticable. Because submarines are in effect outlaws when used as the German submarines have been used against merchant shipping, it is impossible to defend ships against their attacks as the law of nations has assumed that merchantmen would defend themselves against privateers or cruisers, visible craft giving chase upon the open sea. It is common prudence in such circumstances, grim necessity indeed, to endeavor to destroy them before they have shown their own intention. They must be dealt with upon sight, if dealt with at all. The German Government denies the right of neutrals to use arms at all within the areas of the sea which it has proscribed, even in the defense of rights which no modern publicist has ever before questioned their right to defend. The intimation is conveyed that the armed guards which we have placed on our merchant ships will be treated as beyond the pale of law and subject to be dealt with as pirates would be. Armed neutrality is ineffectual enough at best; in such circumstances and in the face of such pretensions it is worse than ineffectual; it is likely only to produce what it was meant to prevent; it is practically certain to draw us into the war without either the rights or the effectiveness of belligerents. There is one choice we cannot make, we are incapable of making: we will not choose the path of submission and suffer the most sacred rights of our nation and our people to be ignored or violated. The wrongs against which we now array ourselves are no common wrongs; they cut to the very roots of human life.

With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibilities which it in-

volves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the government and people of the United States; that it formally accept the status of belligerent which has thus been thrust upon it; and that it take immediate steps not only to put the country in a more thorough state of defense but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war.

What this will involve is clear. It will involve the utmost practicable coöperation in counsel and action with the governments now at war with Germany, and, as incident to that, the extension to those governments of the most liberal financial credits, in order that our resources may so far as possible be added to theirs. It will involve the organization and mobilization of all the material resources of the country to supply the materials of war and serve the incidental needs of the nation in the most abundant and yet the most economical and efficient way possible. It will involve the immediate full equipment of the navy in all respects but particularly in supplying it with the best means of dealing with the enemy's submarines. It will involve the immediate addition to the armed forces of the United States already provided for by law in case of war at least five hundred thousand men, who should, in my opinion, be chosen upon the principle of universal liability to service, and also the authorization of subsequent additional increments of equal force so soon as they may be needed and can be handled in training. It will involve also, of course, the granting of adequate credits to the Government, sustained, I hope, so far as they can equitably be sustained by the present generation, by well conceived taxation.

I say sustained so far as may be equitable by taxation because it seems to me that it would be most unwise to base the credits which will now be necessary entirely on money borrowed. It is our duty, I most respectfully urge, to protect our people so far as we may against the very serious hardships and evils which would be likely to arise out of the inflation which would be produced by vast loans.

In carrying out the measures by which these things are to be accomplished we should keep constantly in mind the wisdom of interfering as little as possible in our own preparation and in the equipment of our own military forces with the duty, — for it will be a very prac-

tical duty, — of supplying the nations already at war with Germany with the materials which they can obtain only from us or by our assistance. They are in the field and we should help them in every way to be effective there.

I shall take the liberty of suggesting, through the several executive departments of the Government, for the consideration of your committees, measures for the accomplishment of the several objects I have mentioned. I hope that it will be your pleasure to deal with them as having been framed after very careful thought by the branch of the Government upon which the responsibility of conducting the war and safeguarding the nation will most directly fall.

While we do these things, these deeply momentous things, let us be very clear, and make very clear to all the world what our motives and our objects are. My own thought has not been driven from its habitual and normal course by the unhappy events of the last two months, and I do not believe that the thought of the nation has been altered or clouded by them. I have exactly the same things in mind now that I had in mind when I addressed the Senate on the twenty-second of January last; the same that I had in mind when I addressed the Congress on the third of February and on the twenty-sixth of February. Our object now, as then, is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth insure the observance of those principles. Neutrality is no longer feasible or desirable where the peace of the world is involved and the freedom of its peoples, and the menace to that peace and freedom lies in the existence of autocratic governments backed by organized force which is controlled wholly by their will, not by the will of their people. We have seen the last of neutrality in such circumstances. We are at the beginning of an age in which it will be insisted that the same standards of conduct and of responsibility for wrong done shall be observed among nations and their governments that are observed among the individual citizens of civilized states.

We have no quarrel with the German people. We have no feeling towards them but one of sympathy and friendship. It was not upon their impulse that their government acted in entering this war. It was not with their previous knowledge or approval. It was a war determined upon as wars used to be determined upon in the old, un-



happy days when peoples were nowhere consulted by their rulers and wars were provoked and waged in the interest of dynasties or of little groups of ambitious men who were accustomed to use their fellow-men as pawns and tools. Self-governed nations do not fill their neighbor states with spies or set the course of intrigue to bring about some critical posture of affairs which will give them an opportunity to strike and make conquest. Such designs can be successfully worked out only under cover and where no one has the right to ask questions. Cunningly contrived plans of deception or aggression, carried, it may be, from generation to generation, can be worked out and kept from the light only within the privacy of courts or behind the carefully guarded confidences of a narrow and privileged class. They are happily impossible where public opinion commands and insists upon full information concerning all the nation's affairs.

A steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic government could be trusted to keep faith within it or observe its covenants. It must be a league of honor, a partnership of opinion. Intrigue would eat its vitals away; the plottings of inner circles who could plan what they would and render account to no one would be a corruption seated at its very heart. Only free peoples can hold their purpose and their honor steady to a common end and prefer the interests of mankind to any narrow interest of their own.

Does not every American feel that assurance has been added to our hope for the future peace of the world by the wonderful and heartening things that have been happening within the last few weeks in Russia? Russia was known by those who knew it best to have been always in fact democratic at heart, in all the vital habits of her thought, in all the intimate relationships of her people that spoke their natural instinct, their habitual attitude towards life. The autocracy that crowned the summit of her political structure, long as it had stood and terrible as was the reality of its power, was not in fact Russian in origin, character, or purpose; and now it has been shaken off and the great, generous Russian people have been added in all their naïve majesty and might to the forces that are fighting for freedom in the world, for justice, and for peace. Here is a fit partner for a League of Honor.

One of the things that has served to convince us that the Prussian autocracy was not and could never be our friend is that from the very outset of the present war it has filled our unsuspecting communities

and even our offices of government with spies and set criminal intrigues everywhere afoot against our national unity of counsel, our peace within and without, our industries and our commerce. Indeed it is now evident that its spies were here even before the war began; and it is unhappily not a matter of conjecture but a fact proved in our courts of justice that the intrigues which have more than once come perilously near to disturbing the peace and dislocating the industries of the country have been carried on at the instigation, with the support, and even under the personal direction of official agents of the Imperial Government accredited to the Government of the United States. Even in checking these things and trying to extirpate them we have sought to put the most generous interpretation possible upon them because we knew that their source lay, not in any hostile feeling or purpose of the German people towards us (who were, no doubt as ignorant of them as we ourselves were), but only in the selfish designs of a Government that did what it pleased and told its people nothing. But they have played their part in serving to convince us at last that that Government entertains no real friendship for us and means to act against our peace and security at its convenience. That it means to stir up enemies against us at our very doors the intercepted note to the German Minister at Mexico City is eloquent evidence.

We are accepting this challenge of hostile purpose because we know that in such a government, following such methods, we can never have a friend; and that in the presence of its organized power, always lying in wait to accomplish we know not what purpose, there can be no assured security for the democratic governments of the world. We are now about to accept gauge of battle with this natural foe to liberty and shall, if necessary, spend the whole force of the nation to check and nullify its pretensions and its power. We are glad, now that we see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included: for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve. We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind. We shall be satisfied when

those rights have been made as secure as the faith and the freedom of nations can make them.

Just because we fight without rancor and without selfish object, seeking nothing for ourselves but what we shall wish to share with all free peoples, we shall, I feel confident, conduct our operations as belligerents without passion and ourselves observe with proud punctilio the principles of right and of fair play we profess to be fighting for.

I have said nothing of the governments allied with the Imperial Government of Germany because they have not made war upon us or challenged us to defend our right and our honor. The Austro-Hungarian Government has, indeed, avowed its unqualified indorsement and acceptance of the reckless and lawless submarine warfare adopted now without disguise by the Imperial German Government, and it has, therefore, not been possible for this Government to receive Count Tarnowski, the Ambassador recently accredited to this Government by the Imperial and Royal Government of Austria-Hungary; but that Government has not actually engaged in warfare against citizens of the United States on the seas, and I take the liberty, for the present at least, of postponing a discussion of our relations with the authorities at Vienna. We enter this war only where we are clearly forced into it because there are no other means of defending our rights.

It will be all the easier for us to conduct ourselves as belligerents in a high spirit of right and fairness because we act without animus, not in enmity towards a people or with the desire to bring any injury or disadvantage upon them, but only in armed opposition to an irresponsible government which has thrown aside all considerations of humanity and of right and is running amuck. We are, let me say again, the sincere friends of the German people, and shall desire nothing so much as the early reestablishment of intimate relations of mutual advantage between us, — however hard it may be for them, for the time being, to believe that this is spoken from our hearts. We have borne with their present government through all these bitter months because of that friendship, — exercising a patience and forbearance which would otherwise have been impossible. We shall, happily, still have an opportunity to prove that friendship in our daily attitude and actions towards the millions of men and women of German birth and native sympathy who live amongst us and share our life, and we shall be proud to prove it towards all who are in fact loyal to

their neighbors and to the Government in the hour of test. They are, most of them, as true and loyal Americans as if they had never known any other fealty or allegiance. They will be prompt to stand with us in rebuking and restraining the few who may be of a different mind and purpose. If there should be disloyalty, it will be dealt with with a firm hand of stern repression; but, if it lifts its head at all, it will lift it only here and there and without countenance except from a lawless and malignant few.

It is a distressing and oppressive duty, Gentlemen of the Congress, which I have performed in thus addressing you. There are, it may be, many months of fiery trial and sacrifice ahead of us. It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts, — for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other.

PUBLIC RESOLUTION — NO. 1 — 65TH CONGRESS

[S. J. Res. 1]

SIXTY-FIFTH CONGRESS OF THE UNITED STATES OF AMERICA

*At the First Session*

Begun and held at the City of Washington on Monday, the second day of April, one thousand nine hundred and seventeen

Joint resolution declaring that a state of war exists between the Imperial German Government and the Government and the people of the United States and making provision to prosecute the same.

*Whereas* the Imperial German Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States.*

CHAMP CLARK,

*Speaker of the House of Representatives.*

THOS. R. MARSHALL,

*Vice President of the United States and President of the Senate.*

Approved, April 6, 1917,  
WOODROW WILSON.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF  
AMERICA

*[Existence of War — German Empire]*

*[No. 1364]*

*Whereas* the Congress of the United States in the exercise of the constitutional authority vested in them have resolved, by joint resolution of the Senate and House of Representatives bearing date this day "That the state of war between the United States and the Imperial German Government which has been thrust upon the United States is hereby formally declared";

*Whereas* it is provided by Section four thousand and sixty-seven of the Revised Statutes, as follows:

Whenever there is declared a war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United

States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed, as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

*Whereas*, by Sections four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy, of the Revised Statutes, further provision is made relative to alien enemies;

Now, therefore, I, WOODROW WILSON, President of the United States of America, do hereby proclaim to all whom it may concern that a state of war exists between the United States and the Imperial German Government; and I do specially direct all officers, civil or military, of the United States that they exercise vigilance and zeal in the discharge of the duties incident to such a state of war; and I do, moreover, earnestly appeal to all American citizens that they, in loyal devotion to their country, dedicated from its foundation to the principles of liberty and justice, uphold the laws of the land, and give undivided and willing support to those measures which may be adopted by the constitutional authorities in prosecuting the war to a successful issue and in obtaining a secure and just peace;

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the Revised Statutes, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States towards all natives, citizens, denizens, or subjects of Germany, being males of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized, who for the purpose of this proclamation and under such sections of the Revised Statutes are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof, and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States, and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President; and so long as they



shall conduct themselves in accordance with law, they shall be undisturbed in the peaceful pursuit of their lives and occupations and be accorded the consideration due to all peaceful and law-abiding persons, except so far as restrictions may be necessary for their own protection and for the safety of the United States; and towards such alien enemies as conduct themselves in accordance with law, all citizens of the United States are enjoined to preserve the peace and to treat them with all such friendliness as may be compatible with loyalty and allegiance to the United States;

And all alien enemies who fail to conduct themselves as so enjoined, in addition to all other penalties prescribed by law, shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by Sections four thousand and sixty-nine and four thousand and seventy of the Revised Statutes, and as prescribed in the regulations duly promulgated by the President;

And pursuant to the authority vested in me, I hereby declare and establish the following regulations, which I find necessary in the premises and for the public safety:

- (1) An alien enemy shall not have in his possession, at any time or place, any fire-arm, weapon or implement of war, or component part thereof, ammunition, maxim or other silencer, bomb or explosive or material used in the manufacture of explosives;
- (2) An alien enemy shall not have in his possession at any time or place, or use or operate any aircraft or wireless apparatus, or any form of signaling device, or any form of cipher code, or any paper, document or book written or printed in cipher or in which there may be invisible writing;
- (3) All property found in the possession of an alien enemy in violation of the foregoing regulations shall be subject to seizure by the United States;
- (4) An alien enemy shall not approach or be found within one-half of a mile of any Federal or State fort, camp, arsenal, aircraft station, Government or naval vessel, navy yard, factory, or workshop for the manufacture of munitions of war or of any products for the use of the army or navy;
- (5) An alien enemy shall not write, print, or publish any attack or threats against the Government or Congress of the United States, or either branch thereof, or against the measures or



- policy of the United States, or against the person or property of any person in the military, naval, or civil service of the United States, or of the States or Territories, or of the District of Columbia, or of the municipal governments therein;
- (6) An alien enemy shall not commit or abet any hostile act against the United States, or give information, aid, or comfort to its enemies;
  - (7) An alien enemy shall not reside in or continue to reside in, to remain in, or enter any locality which the President may from time to time designate by Executive Order as a prohibited area in which residence by an alien enemy shall be found by him to constitute a danger to the public peace and safety of the United States, except by permit from the President and except under such limitations or restrictions as the President may prescribe;
  - (8) An alien enemy whom the President shall have reasonable cause to believe to be aiding or about to aid the enemy, or to be at large to the danger of the public peace or safety of the United States, or to have violated or to be about to violate any of these regulations, shall remove to any location designated by the President by Executive Order, and shall not remove therefrom without a permit, or shall depart from the United States if so required by the President;
  - (9) No alien enemy shall depart from the United States until he shall have received such permit as the President shall prescribe, or except under order of a court, judge, or justice, under Sections 4069 and 4070 of the Revised Statutes;
  - (10) No alien enemy shall land in or enter the United States, except under such restrictions and to such places as the President may prescribe;
  - (11) If necessary to prevent violations of these regulations, all alien enemies will be obliged to register;
  - (12) An alien enemy whom there may be reasonable cause to believe to be aiding or about to aid the enemy, or who may be at large to the danger of the public peace or safety, or who violates or attempts to violate, or of whom there is reasonable ground to believe that he is about to violate, any regulation duly promulgated by the President, or any criminal law of the United States, or of the States or Territories thereof, will be subject

to summary arrest by the United States Marshal, or his deputy, or such other officer as the President shall designate, and to confinement in such penitentiary, prison, jail, military camp, or other place of detention as may be directed by the President.

This proclamation and the regulations herein contained shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

*In Witness Whereof*, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this sixth day of April,  
in the year of our Lord one thousand nine hundred  
[SEAL.] and seventeen, and of the independence of the United  
States the one hundred and forty-first.

WOODROW WILSON.

By the President:

ROBERT LANSING,  
*Secretary of State.*

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES  
TO THE PROVISIONAL GOVERNMENT OF RUSSIA <sup>1</sup>

In view of the approaching visit of the American delegation to Russia to express the deep friendship of the American people for the people of Russia and to discuss the best and most practical means of coöperation between the two peoples in carrying the present struggle for the freedom of all peoples to a successful consummation, it seems opportune and appropriate that I should state again, in the light of this new partnership, the objects the United States has had in mind in entering the war. Those objects have been very much beclouded during the past few weeks by mistaken and misleading statements, and the issues at stake are too momentous, too tremendous, too significant, for the whole human race to permit any misinterpretations or misunderstandings, however slight, to remain uncorrected for a moment.

The war has begun to go against Germany, and in their desperate desire to escape the inevitable ultimate defeat, those who are in authority in Germany are using every possible instrumentality, are making use even of the influence of groups and parties among their own subjects to whom they have never been just or fair, or even tolerant,

<sup>1</sup> *Official Bulletin*, Washington, June 9, 1917.

to promote a propaganda on both sides of the sea which will preserve for them their influence at home and their power abroad, to the undoing of the very men they are using.

The position of America in this war is so clearly avowed that no man can be excused for mistaking it. She seeks no material profit or aggrandizement of any kind. She is fighting for no advantage or selfish object of her own, but for the liberation of peoples everywhere from the aggressions of autocratic force.

The ruling classes in Germany have begun of late to profess a like liberality and justice of purpose, but only to preserve the power they have set up in Germany and the selfish advantages which they have wrongly gained for themselves and their private projects of power all the way from Berlin to Bagdad and beyond. Government after Government has by their influence, without open conquest of its territory, been linked together in a net of intrigue directed against nothing less than the peace and liberty of the world. The meshes of that intrigue must be broken, but cannot be broken unless wrongs already done are undone, and adequate measures must be taken to prevent it from ever again being rewoven or repaired.

Of course, the Imperial German Government and those whom it is using for their own undoing are seeking to obtain pledges that the war will end in the restoration of the *status quo ante*. It was the *status quo ante* out of which this iniquitous war issued forth, the power of the Imperial German Government within the Empire and its widespread domination and influence outside of that Empire. That status must be altered in such fashion as to prevent any such hideous thing from ever happening again.

We are fighting for the liberty, the self-government, and the undictated development of all peoples, and every feature of the settlement that concludes this war must be conceived and executed for that purpose. Wrongs must first be righted and then adequate safeguards must be created to prevent their being committed again. We ought not to consider remedies merely because they have a pleasing and sonorous sound. Practical questions can be settled only by practical means. Phrases will not accomplish the result. Effective readjustments will, and whatever readjustments are necessary must be made.

But they must follow a principle and that principle is plain. No people must be forced under sovereignty under which it does not wish to live. No territory must change hands except for the purpose of

securing those who inhabit it a fair chance of life and liberty. No indemnities must be insisted on except those that constitute payment for manifest wrongs done. No readjustments of power must be made except such as will tend to secure the future peace of the world and the future welfare and happiness of its peoples.

And then the free peoples of the world must draw together in some common covenant, some genuine and practical coöperation that will in effect combine their force to secure peace and justice in the dealings of nations with one another.

The brotherhood of mankind must no longer be a fair but empty phrase; it must be given a structure of force and reality. The nations must realize their common life and effect a workable partnership to secure that life against the aggressions of autocratic and self-pleasing power.

For these things we can afford to pour out blood and treasure. For these are the things we have always professed to desire, and unless we pour out blood and treasure now and succeed we may never be able to unite or show conquering force again in the great cause of human liberty. The day has come to conquer or submit. If the forces of autocracy can divide us they will overcome us; if we stand together victory is certain and the liberty which victory will secure. We can afford then to be generous, but we cannot afford then or now to be weak or omit any single guarantee of justice and security.

WOODROW WILSON.

## OFFICIAL DOCUMENTS

### EXCHANGE OF NOTES BETWEEN BRAZIL AND THE UNITED STATES, CONCERNING THE REVOCATION OF BRAZIL'S NEUTRALITY.<sup>f</sup>

*The Brazilian Ambassador at Washington to the Secretary  
of State*

*June 4, 1917*

MR. SECRETARY OF STATE:

The President of the Republic has just instructed me to inform Your Excellency's Government that he has approved the law which revokes Brazil's neutrality in the war between the United States of America and the German Empire. The Republic thus recognized the fact that one of the belligerents is a constituent portion of the American Continent and that we are bound to that belligerent by traditional friendship and the same sentiment in the defense of the vital interests of America and the accepted principles of law.

Brazil ever was and is now free from warlike ambitions, and while it always refrained from showing any partiality in the European conflict, it could no longer stand unconcerned when the struggle involved the United States, actuated by no interest whatever but solely for the sake of international judicial order, and when Germany included us and the other neutral Powers in the most violent acts of war.

While the comparative lack of reciprocity on the part of the American Republics divested until now the Monroe Doctrine of its true character, by permitting of an interpretation based on the prerogatives of their sovereignty, the present events which brought Brazil even now to the side of the United States at a critical moment in the history of the world, are still imparting to our foreign policy a practical shape of continental solidarity, a policy, however, that was also that of the former régime whenever any of the other sister friendly nations of the American Continent was concerned. The Republic strictly observed our political and diplomatic traditions and remained true to the liberal principles in which the nation was nurtured.

<sup>1</sup> *Official Bulletin*, Washington, June 22, 1917.

Thus understanding our duty and Brazil taking the position to which its antecedents and the conscience of a free people pointed, whatever fate the morrow may have in store for us, we shall conserve the constitution which governs us and which has not yet been surpassed in the guaranties due to the rights, lives, and property of foreigners.

In bringing the above-stated resolution to Your Excellency's knowledge, I beg you to be pleased to convey to your Government the sentiments of unalterable friendship of the Brazilian people and Government.

I avail myself of the opportunity to reiterate to Your Excellency the assurances of my highest consideration.

DOMICIO DA GAMA.

*The Acting Secretary of State of the United States to the  
Brazilian Ambassador*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of June 4 by which, in pursuance of instructions from the President of Brazil, you inform me of the enactment of a law revoking Brazil's declaration of neutrality in the war between the United States and Germany and request me to convey to this Government the sentiments of unalterable friendship of the Brazilian people and Government.

I have received with profound gratification this notification of the friendly coöperation of Brazil in the efforts of the United States to assist in the perpetuation of the principles of free government and the preservation of the agencies for the amelioration of the sufferings and losses of war so slowly and toilsomely built up during the emergence of mankind from barbarism.

Your Government's invaluable contribution to the cause of American solidarity, now rendered more important than ever as a protection to civilization and a means of enforcing the laws of humanity, is highly appreciated by the United States.

I shall be glad if you will be good enough to convey to the President, the Government, and the people of Brazil the thanks of this Government and people for their course, so consistent with the antecedents of your great and free nation and so important in its bearing on issues which are vital to the welfare of all the American Republics.

Requesting that you will also assure your Government and people of most cordial reciprocation by the Government and people of the

United States of their assurances of friendship, always so greatly valued, and now happily rendered still warmer and closer by the action of Brazil, I avail myself of the occasion to renew to Your Excellency the assurances of my highest consideration.

FRANK L. POLK,  
*Acting Secretary of State.*

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DECLARATION OF WAR BY CHINA ON GERMANY AND AUSTRIA <sup>1</sup>

*The Chinese Minister at Washington to the Secretary of State*  
*August 14, 1917*

SIR,

In pursuance of instructions from my Government, I have the honor to inform you that China having previously broken off diplomatic relations with Germany, after protesting in vain against the policy of submarine warfare adopted by the central powers of Europe, in the hope that Germany might change that policy out of consideration for the adverse opinion of the world, now the Government of the Republic, having been disappointed in this hope, in order to manifest proper respect for the law of nations and to protect the lives and property and its citizens, declares that a state of war exists with Germany and Austria-Hungary from 10 o'clock in the forenoon of the 14th instant, and that it will observe all the stipulations of the conventions signed at the International Peace Conferences at The Hague and other international agreements relating to civilized warfare.

Accept, sir, the renewed assurances of my highest consideration.

VI KYUIN WELLINGTON KOO.

<sup>1</sup> *Official Bulletin*, Washington, August 17, 1917.



MESSAGE FROM THE GERMAN EMPEROR TO THE PRESIDENT OF THE  
UNITED STATES REGARDING CERTAIN NEGOTIATIONS WHICH  
PRECEDED THE WAR <sup>1</sup>

BERLIN VIA COPENHAGEN,

*Dated August 14, 1914,*

*Recd. August 15, 7.30 p.m.*

SECRETARY OF STATE, *Washington:*

*August 14, 3 p.m.*

The following was communicated personally to me by the Emperor—  
in writing:

“Private and confidential.

“For the President personally.

“One. The Royal Highness Prince Henry was received by His Majesty King George V in London, who empowered him to transmit to me verbally that England would remain neutral if war broke out on the continent involving Germany and France, Austria and Russia. This message was telegraphed to me by my brother from London after his conversation with His Majesty the King and repeated verbally on the 29th July.

“Two. My ambassador in London transmitted a message from Sir Edward Grey to Berlin saying that only in case France was likely to be crushed England would interfere.

“Three. On the 30th my ambassador in London reported that Sir Edward Grey, in the course of a private (sic) conversation, told him that if the conflict remained localized between Russia — not Servia — and Austria, England would not move, but if we mixed in the fray, she would take quick decisions and grave maneuvers; in other words, if I left my ally, Austria, in the lurch to fight alone England would not touch me.

“Four. This communication being directly counter to the King’s message to me, I telegraphed to His Majesty on the 29th or 30th thanking him for kind message through my brother and begging him to use all his power to keep France and Russia, his allies, from making any war-like preparations calculated to disturb my work on mediation, stating that I was in constant communication with His Majesty the Czar. In the evening the King kindly answered that he had ordered his Government to use every possible influence with his allies to repudiate taking

<sup>1</sup> *Official Bulletin*, Washington, August 14, 1917.

any provocative military measures. At the same time His Majesty asked me I should transmit to Vienna the British proposal that Austria was to take Belgrade and a few other Servian towns and a strip of country as a main mise (sic) to make sure that the Servian promises on paper should be fulfilled in reality. This proposal was in the same moment telegraphed to me from Vienna for London quite in conjunction with the British proposal; besides I had telegraphed to His Majesty the Czar the same as an idea of mine before I received the two communications from Vienna and London. As both were of the same opinion, I immediately transmitted the telegrams vice versa to Vienna and London.

I felt that I was able to tide the question over and was happy at the peaceful outlook.

"Five. While I was preparing a note to His Majesty the Czar the next morning to inform him that Vienna, London, and Berlin were agreed about the treatment of affairs, I received the telephone message from his excellency the chancellor that in the night before, the Czar had given the order to mobilize the whole of the Russian Army, which was of course also meant against Germany; whereas up till then the southern armies had been mobilized against Austria.

"Six. In a telegram from London my ambassador informed me he understood British Government would guarantee neutrality of France and wished to know whether Germany would refrain from attack. I telegraphed to His Majesty the King personally that mobilization being already carried out could not be stopped, but if His Majesty would guarantee with his armed forces the neutrality of France, I would refrain from attacking her, leave her alone, and employ my forces elsewhere. His Majesty answered that he thought my offer was based on a misunderstanding, and as far as I can make out Sir Edward Grey never took my offer into serious consideration. He never answered it. Instead he declared England had to defend Belgian neutrality, which had to be violated by Germany on strategical grounds, news having been received that France was already preparing to enter Belgium and the King of the Belgians having refused my petition for a free passage under guarantee of his country's freedom. I am most grateful for the President's message. Wilhelm."

GERARD,  
*American Chargé d'Affaires, Copenhagen.*

SEVERANCE OF DIPLOMATIC RELATIONS BETWEEN LIBERIA AND  
GERMANY <sup>1</sup>*The Secretary of State of Liberia to the German Consul at Monrovia**May 5, 1917*

SIR,

As the policies of a nation must always be adjusted to meet new conditions affecting its vital interests, as they arise from time to time, so the transpiring of certain events, in connection with the Great European war which has staggered humanity in its ruthless operations and stupendous financial output, have rendered necessary a change of Liberia's attitude of strict neutrality, hitherto assumed and consistently maintained. I refer to the new German submarine program, drawn up by the Imperial German Government and put into execution on the 1st day of February of the present year, the detailed operations of which you are very well conversant with and informed.

While Liberia has endeavored to stand aloof from a conflict, the original causes of which were of purely European concern and interest, yet the method adopted by the Imperial German Government and its allies to vindicate what they conceive to be their national rights and honor and to bring to their arms a speedy and successful victory by such means as the sinking of unarmed ships of their enemies and neutrals without warning, the bombardment of undefended towns and villages, and the violation of the rights of small neutral States, are such flagrant violations of the rules of civilized warfare as to justly create on the part of Liberia grave apprehensions and fears of the eventual permanent establishment of the doctrine of "might" over "right" in the realms of international relations, which doctrine, if allowed to obtain, can only result in the complete subjugation and elimination from the sisterhood of nations of all small and weak States.

Hence the Government and people of Liberia cannot any longer, in their own interest, continue to view with indifference and unconcern the present world's cataclysm, especially since the new German submarine program seriously threatens the lives of Liberian citizens traveling on the high seas as passengers and crew on allied and neutral ships.

Although Liberia is fully conscious of her utter inability to enforce, upon any of the belligerent nations, respect and due regard for the rights

<sup>1</sup> *Official Bulletin*, Washington, July 10, 1917.

and safety of her citizens, yet that fact will not deter her from protesting, by the most effective means at her disposal, against any attempt to infringe upon her sacred international rights — in spite of the veiled threats made by the acting Imperial German consul in his published statement of “war news,” issued and circulated in this city, under the official seal of his Imperial Government on the 21st of April, to the effect that powers of the third and last importance will be held to strict accountability for all damage done to German interest, the bill for which will be presented and payment thereof enforced after the happy issues of the war.

The Liberian Government is therefore constrained, as an earnest protest against the continued enforcement of the new German submarine program, which threatens the lives of Liberian citizens, as well as grave financial and economic embarrassments to the Republic, to sever relations with the Imperial German Government, and to revoke the *exequatur* granted to Germany’s official representative at this capital.

With assurances of my high esteem and profound respect, I have the honor to subscribe myself,

Your obedient servant,  
(Signed) C. D. B. KING,  
*Secretary of State.*

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**RULES AND REGULATIONS FOR THE REGULATION, MANAGEMENT AND  
PROTECTION OF THE PANAMA CANAL AND THE MAINTENANCE OF ITS  
NEUTRALITY**

By the President of the United States of America

A PROCLAMATION

*No. 1371, May 23, 1917*

*Whereas* the United States exercises sovereignty in the land and waters of the Canal Zone and is responsible for the construction, operation, maintenance, and protection of the Panama Canal:

Now, therefore, I, WOODROW WILSON, President of the United States of America, do hereby declare and proclaim the following Rules and Regulations for the regulation, management and protection of the Panama Canal and the Maintenance of its Neutrality which are in addition to the general “Rules and Regulations for the Operation and

Navigation of the Panama Canal and Approaches Thereto, including all Waters under its jurisdiction" put into force by Executive Order of July 9, 1914.

Rule 1. A vessel of war, for the purposes of these rules, is defined as a public armed vessel, under the command of an officer duly commissioned by the government, whose name appears on the list of officers of the military fleet, and the crew of which are under regular naval discipline, which vessel is qualified by its armament and the character of its personnel to take offensive action against the public or private ships of the enemy.

Rule 2. An auxiliary vessel, for the purposes of these rules, is defined as any vessel, belligerent or neutral, armed or unarmed, which does not fall under the definition of Rule 1, which is employed as a transport or fleet auxiliary or in any other way for the direct purpose of prosecuting or aiding hostilities, whether by land or sea; but a vessel fitted up and used exclusively as a hospital ship is excepted.

Rule 3. A vessel of war or an auxiliary vessel of a belligerent, other than the United States, shall only be permitted to pass through the Canal after her commanding officer has given written assurance to the Authorities of the Panama Canal that the Rules and Regulations will be faithfully observed.

The authorities of the Panama Canal shall take such steps as may be requisite to insure the observance of the Rules and Regulations by auxiliary vessels which are not commanded by an officer of the military fleet.

Rule 4. Vessels of war or auxiliary vessels of a belligerent, other than the United States, shall not revictual nor take any stores in the Canal except so far as may be strictly necessary; and the transit of such vessels through the Canal shall be effected with the least possible delay in accordance with the Canal Regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same Rules as vessels of war of a belligerent.

Rule 5. No vessel of war or auxiliary vessel of a belligerent, other than the United States, shall receive fuel or lubricants while within the territorial waters of the Canal Zone, except on the written authorization of the Canal Authorities, specifying the amount of fuel and lubricants which may be received.

Rule 6. Before issuing any authorization for the receipt of fuel and

lubricants by any vessel of war or auxiliary vessel of a belligerent, other than the United States, the Canal Authorities shall obtain a written declaration, duly signed by the officer commanding such vessel, stating the amount of fuel and lubricants already on board.

Rule 7. Fuel and lubricants may be taken on board vessels of war or auxiliary vessels of a belligerent, other than the United States, only upon permission of the Canal Authorities, and then only in such amounts as will enable them, with the fuel and lubricants already on board, to reach the nearest accessible port, not an enemy port, at which they can obtain supplies necessary for the continuation of the voyage. Provisions furnished by contractors may be supplied only upon permission of the Canal Authorities, and then only in amount sufficient to bring up their supplies to the peace standard.

Rule 8. No belligerent, other than the United States, shall embark or disembark troops, munitions of war, or war-like materials in the Canal, except in case of necessity due to accidental hindrance of the transit. In such cases the Canal Authorities shall be the judge of the necessity, and the transit shall be resumed with all possible dispatch.

Rule 9. Vessels of war or auxiliary vessels of a belligerent, other than the United States, shall not remain in the territorial waters of the Canal Zone under the jurisdiction of the United States longer than twenty-four hours at any one time, except in case of distress; and in such case, shall depart as soon as possible.

Rule 10. In the exercise of the exclusive right of the United States to provide for the regulation and management of the Canal, and in order to ensure that the Canal shall be kept free and open on terms of entire equality to vessels of commerce and of war, there shall not be, except by special arrangement, at any one time a greater number of vessels of war of any one nation, other than the United States, including those of the allies of such nation, than three in either terminal port and its adjacent terminal waters, or than three in transit through the Canal; nor shall the total number of such vessels, at any one time, exceed six in all the territorial waters of the Canal Zone under the jurisdiction of the United States.

Rule 11. The repair facilities and docks belonging to the United States and administered by the Canal Authorities shall not be used by a vessel of war or an auxiliary vessel of a belligerent, other than the United States, except when necessary in case of actual distress, and then only upon the order of the Canal Authorities, and only to the degree

necessary to render the vessel seaworthy. Any work authorized shall be done with the least possible delay.

Rule 12. The radio installation of any public or private vessel or of any auxiliary vessel of a belligerent, other than the United States, shall be used only in connection with Canal business to the exclusion of all other business while within the waters of the Canal Zone, including the waters of Colon and Panama Harbors.

Rule 13. Air craft, public or private, of a belligerent, other than the United States, are forbidden to descend or arise within the jurisdiction of the United States at the Canal Zone, or to pass through the air spaces above the lands and waters within said jurisdiction.

Rule 14. For the purpose of these rules the Canal Zone includes the cities of Panama and Colon and the harbors adjacent to the said cities.

Rule 15. In the interest of the protection of the Canal while the United States is a belligerent no vessel of war, auxiliary vessel, or private vessel of an enemy of the United States or an ally of such enemy shall be allowed to use the Panama Canal nor the territorial waters of the Canal Zone for any purpose, save with the consent of the Canal Authorities and subject to such rules and regulations as they may prescribe.

*In witness whereof*, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this twenty-third day  
of May in the year of our Lord one thousand nine  
hundred and seventeen, and of the Independence  
[SEAL] of the United States of America the one hundred  
and forty-first.

By the President:

ROBERT LANSING,  
*Secretary of State.*

WOODROW WILSON.

EXECUTIVE ORDER ESTABLISHING DEFENSIVE SEA AREAS FOR TERMINAL  
PORTS OF THE PANAMA CANAL, AND PROVIDING REGULATIONS FOR  
THE GOVERNMENT OF PERSONS AND VESSELS WITHIN SAID AREAS

*No. 2692, August 27, 1917*

By virtue of the authority vested in me by law, the following-described defensive sea areas for the terminal ports of The Panama Canal are



hereby established, to be maintained until further notification, at the places and within the limits prescribed as follows, that is to say:

**ATLANTIC ENTRANCE:**

**OUTER LIMIT.** — From the northern end of Naranjos Cays to a point 2 miles due north of the breakwater entrance, thence tangent to the arc of a circle with 1-mile radius, having the mouth of the Chagres River as a center, thence along the arc of this circle to the beach.

**INNER LIMIT.** — Line joining east end of west breakwater and west end of east breakwater.

**PACIFIC ENTRANCE:**

**OUTER LIMIT.** — Line joining Vanedo Island with north end of Taboguilla Island; thence north  $53^{\circ}$  east, true, for 5 miles; thence north  $39^{\circ}$  west to a point with San Jose Rock bearing north  $53^{\circ}$  west, true, distant 2 nautical miles; thence to Tres Hermanos Beacon; thence to Punta Mala.

**INNER LIMIT.** — Line joining Guinea Point with inner end of causeway.

The following orders and regulations for the government of persons and vessels within the limits of said defensive sea areas, which orders and regulations are necessary for the purposes of defense of the Canal Zone, are hereby promulgated:

I. In the neighborhood of each defensive sea area the following entrances are designated for incoming and outgoing vessels:

**ATLANTIC:**

*Designated Entrance for Incoming Vessels:*

A patrol boat stationed with end of west breakwater bearing south, true, distant 2 nautical miles.

*Designated Entrance for Outgoing Vessels:*

The main entrance to the Panama Canal, between the breakwaters.

**PACIFIC:**

*Designated Entrance for Incoming Vessels:*

Patrol boat stationed with north end of Taboguilla Island bearing due west, distant 1 nautical mile.

*Designated Entrance for Outgoing Vessels:*

Canal prism.

II. A vessel desiring to cross a defensive sea area shall proceed to the vicinity of the entrance, flying her national colors, together with International Code number and pilot signal, and there await communication with the Harbor Entrance Patrol. It is expressly prohibited for any vessel to enter the limits of a defensive sea area otherwise than at a designated entrance and after authorization by the Harbor Entrance Patrol.

III. Boats and other craft employed in the Harbor Entrance Patrol will be distinguished by the union jack, which will be shown from a position forward. At night they may show a vertical hoist of 3 lights — white, red, and white, in the order named.

IV. On receiving permission from the Harbor Entrance Patrol to enter a defensive sea area, a vessel must comply with all instructions as to pilotage and other matters that she may receive from proper authority, either before or during her passage across the area; it is understood that only upon condition of such compliance is the said permission granted.

V. No permission will be granted to other than a public vessel of the United States or a Canal craft to cross a defensive sea area between sunset and sunrise, nor during the prevalence of weather conditions that render navigation difficult or dangerous. A vessel arriving off a defensive sea area after sunset shall anchor or lie-to at a distance of at least a mile outside its limits until the following sunrise; vessels discovered near the limits of the areas at night may be fired upon.

VI. No vessel shall be permitted to proceed within the limits of a defensive sea area at a greater speed than six (6) knots per hour.

VII. All matters pertaining to fishery and the passage of small crafts within a defensive sea area shall be regulated by the senior officer of the Harbor Entrance Patrol.

VIII. These regulations are subject to modification by the senior officer of the Harbor Entrance Patrol when the public interest may require; and such notification as circumstances may permit will be issued regarding modifications thus made.

IX. Any master of a vessel or other persons within the vicinity of a defensive sea area who shall violate these regulations, or shall fail to obey an order to stop and heave to, or shall perform any act threatening the efficiency of mine or other defenses or the safety of navigation, or shall take any action inimical to the interests of the United States in its prosecution of war, may be detained therein by force of arms and renders himself liable to prosecution.

X. The responsibility of the United States of America for any damage inflicted by force of arms with the object of detaining any person or vessel proceeding in contravention to regulations duly promulgated in accordance with this executive order shall cease from this date.

XI. This order shall take effect from and after this date.

WOODROW WILSON.

THE WHITE HOUSE,  
27 August, 1917.

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NOTE FROM THE RUSSIAN PROVISIONAL GOVERNMENT AND THE BRITISH  
REPLY RESPECTING THE ALLIED WAR AIMS<sup>1</sup>

No. 1

*M. Nabokoff, Russian Charge d'Affaires, to Mr. Balfour*

(Translation)

RUSSIAN EMBASSY, London,  
May 3, 1917

SIR,

The Russian Provisional Government published on the 27th March a manifesto to Russian citizens, in which it expressed the views of the Government of free Russia on the objects of the present war. The Minister for Foreign Affairs instructs me to communicate to you this document and to add the following observations. Our enemies have lately endeavored to sow discord between the Allies by spreading absurd reports regarding the alleged intention of Russia to conclude a separate peace with the Central Monarchies. The text of the annexed document will provide the best refutation of such inventions. The general principles enunciated therein by the Provisional Government are in entire agreement with the lofty ideals which have been repeatedly and recently proclaimed by eminent statesmen of the Allied countries. These principles have also been lucidly expressed in the words of the President of our new Ally, the great American Republic. The government of the old régime in Russia was certainly not in a position to appreciate and to share these ideas as to the liberating character of the war, the creation of a stable basis for the peaceful coöperation of nations, and the freedom of oppressed peoples. Emancipated Russia can now speak in terms

<sup>1</sup> British Parliamentary Paper, Miscellaneous No. 10 (1917).

which will be understood by modern democracies, and she hastens to add her voice to those of her Allies. The declarations of the Provisional Government, imbued with this new spirit of a freed democracy, cannot of course afford the least pretext for assuming that the collapse of the old structure has entailed any diminution of Russia's share in the common struggle of all the Allies. On the contrary, the nation's determination to bring the world war to a decisive victory has been accentuated, thanks to the feeling of responsibility which to-day is incumbent upon us collectively and individually. This tendency has become still more active owing to the fact that it is concentrated on the immediate task—which touches all so closely—of driving back the enemy who has invaded our country's territory.

It is understood, and the annexed document expressly states, that the Provisional Government, in safeguarding the acquired rights of the country, will maintain strict regard for the engagements entered into with Russia's Allies. Firmly convinced of the victorious termination of the present war, and in perfect agreement with its Allies, the Provisional Government is equally sure that the problems raised by this war will find their solution in the creation of some stable basis for a lasting peace, and that, imbued with the same sentiments, the allied democracies will find a means of obtaining the guarantees and penalties necessary for preventing a return of sanguinary wars in the future.

I have, etc.,

C. NABOKOFF.

Enclosure in No. 1.

(Translation)

#### PROCLAMATION OF THE PROVISIONAL GOVERNMENT

The Provisional Government, having examined the situation in Russia, has decided in the name of its duty to the country, to tell the people directly and openly the whole truth. The régime which has now been overthrown left the defence of the country in a gravely disorganized condition. By its culpable inaction and its inept measures it introduced disorganization into our finances, commissariat, transport, and supply of munitions to the army. It weakened the whole of our economic organization. The Provisional Government, with the active coöperation of the whole nation, will devote all its energy to repair these grave results of the old régime. But time is pressing. The blood

of many sons of the fatherland has been shed freely during these two and a half long years of war, but the country, which is now in the very birth-throes of Russian liberty, is still exposed to the attack of the powerful adversary who occupies whole territories of our state and is threatening us with a new and decisive thrust. Whatever be the cost, the defense of our national patrimony and the deliverance of the country from the enemy who has invaded our borders constitutes the principal and vital problem before our soldiers who are defending the liberty of the people. Leaving the definite decision of all questions bearing on the world war and its termination to the will of the people, in close union with our Allies, the Provisional Government deems it its right and its duty to declare forthwith that free Russia does not aim at dominating other peoples, at depriving them of their national patrimony, or at occupying foreign territories by force, but that its object is to establish a durable peace on the basis of the right of nations to decide their own destiny. The Russian people do not lust after the strengthening of their power abroad at the expense of other nations, nor do they aim at subjugating or humbling anyone. In the name of the higher principles of equity they have removed the chains which weighed upon the Polish nation. But the Russian nation will not allow its fatherland to emerge from the great struggle with its vital forces humbled and weakened. These principles will constitute the basis of the foreign policy of the Provisional Government, which is carrying out without fail the popular will and is safeguarding the rights of our fatherland, while observing the engagements entered into with our Allies. The Provisional Government of free Russia has no right to hide the truth from the people. The state is in danger. Every effort must be made to save it. Let the country respond to the truth which has been told, not by useless depression nor by discouragement, but by unanimous vigor with a view to the creation of one national will. This will give us new strength for the struggle and will bring us salvation. In the hour of grave trial, let the whole country find in itself strength to consolidate the freedom won and to devote itself to untiring labor for the welfare of free Russia. The Provisional Government, which has given its solemn oath to serve the people, is firmly confident that, with the general and unanimous support of each and all, it will itself be able to perform its duty to the country till the end.

The President of the Council,

Prince Lvov.

## No. 2.

*British Reply to Russian Note regarding the Allied War Aims*

On the 3d May His Majesty's Government received, through the Russian Chargé d'Affaires, a note from the Russian Government declaratory of their war policy.

In the proclamation to the Russian people, enclosed in the note, it is said that "free Russia does not propose to dominate other peoples or to take from them their national patrimony, or forcibly to occupy foreign territory." In this sentiment the British Government heartily concur. They did not enter upon this war as a war of conquest, and they are not continuing it for any such object. Their purpose at the outset was to defend the existence of their country and to enforce respect for international engagements. To those objects has now been added that of liberating populations oppressed by alien tyranny. They heartily rejoice, therefore, that Free Russia has announced her intention of liberating Poland — not only the Poland ruled by the old Russian autocracy, but equally that within the dominion of the Germanic Empires. In this enterprise the British democracy wish Russia God-speed. Beyond everything we must seek for such a settlement as will secure the happiness and contentment of the peoples and take away all legitimate causes of future war.

The British Government heartily join their Russian Allies in their acceptance and approval of the principles laid down by President Wilson in his historic message to the American Congress. These are the aims for which the British peoples are fighting. These are the principles by which their war policy is and will be guided. The British Government believe that, broadly speaking, the agreements which they have from time to time made with their Allies are conformable to these standards. But if the Russian Government so desire, they are quite ready with their Allies to examine and, if need be, to revise these agreements.

*June 8, 1917.*

DECREE GOVERNING THE TREATMENT OF SUBMARINES IN SPANISH  
WATERS<sup>1</sup>

## OFFICE OF THE PRIME MINISTER

*Exposition*

SIR: Realizing the convenience of definitely fixing the rules to which Spain, as a neutral Power during the actual war conditions, should adjust its conduct, it was declared by Royal Decree of November 23, 1914, that for the purpose of the neutrality proclaimed by Spain in relation to the present war, all authorities and state officials should adjust their conduct and their orders to the precepts contained in the XIII Hague Convention of 1907, relative to the rights and duties of neutral Powers in case of maritime war, which convention was provisionally accepted by Spain until the restoration of peace.

By virtue of that decree, which has not been modified heretofore by any special provisions, the Spanish Government has been applying the rules established by the Hague Convention both generally, and in many instances subsidiarily, inasmuch as the application of the provisions of several of the articles of that pact is limited to the circumstance of there being no special provisions in the laws of the interested neutral Power.

This legal condition, in force within Spanish ports and jurisdictional waters, could not, however, assume an immutable character. Aside from the sovereign powers of a state, especially in matters to which it did not bind itself by any international agreement, it is acknowledged in the preamble of the same Hague Convention that each nation has the power to modify the precepts contained therein in case actual experience should reveal the necessity to do so in order to safeguard its rights.

This case, in the opinion of Your Majesty's Government, is at hand; the Government has been able fully to realize that the rules set forth in the XIII Hague Convention of 1907, relative to the rights and duties of neutral Powers in case of maritime war, notwithstanding the fact that they were the outcome of carefully thought out negotiations and compromise between opposite points of view brought into the discussions

<sup>1</sup> Annex to the Royal circular order No. 601.



of the Second Peace Conference by the delegates of the Powers, yet they do not fully answer any more the purpose which inspired them, due to the evolution — more rapid in point of fact than in point of law — of the military elements used by the belligerent Powers. Special attention is called to the extreme general character of the principles laid down in said convention, there being no provisions for certain cases which either were not foreseen in 1907, or it was not presumed that they could assume the importance they have in later times acquired in practice.

Such is the case with the employment of submarines in the present war. The means at the disposal of these vessels, and their use in destructive operations, to an extent and with a range which could not be foreseen by those legislators, — a use which has been the subject of express reservations and protests of neutral nations, amongst them, Spain, — have changed, in the opinion of Your Majesty's Government, the legal bases on which some of the provisions of the Hague Convention found their existence.

And if, while this convention has up to the present time been in force among us, the Government, following the example of other neutral nations, some of them already belligerents, has faithfully and loyally applied its principles, the experience repeatedly acquired advises — having in view the national convenience — the amendment of some of its articles; leaving in force all those which are not affected by such amendment, to serve as a doctrinal body and compilation of legal precepts which have been unexcelled until now.

Your Majesty's Government does not pretend to set down as permanent and invariable any definition of principles. Happier days will arrive when the nations shall rise to establish those rules which shall better satisfy universal judicial conscience in regard to such important and transcendental matters of public international law; but in the meantime the Government would not fulfill its most sacred mission if, conscious of its duty to Spain, it should not safeguard its rights and interests, and forestall the dangers which an omission in its foresightedness might bring upon the nation which Your Majesty rules with such great love and high discernment of its needs.

To this end, in accord with the members of the Cabinet, and maintaining in force all those provisions of the aforesaid XIII Hague Convention which are not affected thereby, I have the honor to submit to Your Majesty, as an addition thereto, and with the provisional and

limited character determined by Art. 1st of the Royal Decree of November 23, 1914, the following project of Decree.

MADRID, *June 29, 1917.*

SIR:

At the Royal Feet of Your Majesty,  
EDUARDO DATO.

*Royal Decree*

At the proposal of my Cabinet of Ministers,  
I hereby decree as follows:

Article I. All submarine vessels of any kind whatsoever, of belligerent Powers, are hereby forbidden to navigate in Spanish jurisdictional waters, or to enter the ports of this nation.

Article II. All submarine vessels referred to in the preceding article entering Spanish jurisdictional waters for any cause whatsoever, shall be interned until the end of the war.

Article III. Neutral submarines entering Spanish waters shall do so navigating on the surface and displaying conspicuously their national flag.

Article IV. The Royal decree of November 23, 1914, shall remain in force as to all of its provisions not modified hereby.

Given at the palace this twenty-ninth day of June, nineteen hundred and seventeen.

ALFONSO.

*The Prime Minister,*  
EDUARDO DATO.

AN ACT TO PUNISH ACTS OF INTERFERENCE WITH THE FOREIGN RELATIONS, THE NEUTRALITY, AND THE FOREIGN COMMERCE OF THE UNITED STATES, TO PUNISH ESPIONAGE, AND BETTER TO ENFORCE THE CRIMINAL LAWS OF THE UNITED STATES, AND FOR OTHER PURPOSES.<sup>1</sup>

*Approved June 15, 1917*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

## TITLE I

### ESPIONAGE

SECTION 1. That (a) whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section six of this title; or (b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or (c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces

<sup>1</sup> Public — No. 24 — 65th Congress.

or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this title; or (d) whoever lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both.

SEC. 2. (a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years: *Provided*, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than thirty years; and (b) whoever, in time of war, with intent that the same

shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than thirty years.

SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both.

SEC. 4. If two or more persons conspire to violate the provisions of sections two or three of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this title shall be punished as provided by section thirty-seven of the Act to codify, revise, and amend the penal laws of the United States approved March fourth, nineteen hundred and nine.

SEC. 5. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both.

SEC. 6. The President in time of war or in case of national emergency may by proclamation designate any place other than those set forth in subsection (a) of section one hereof in which anything for the use of the Army or Navy is being prepared or constructed or stored as

a prohibited place for the purposes of this title: *Provided*, That he shall determine that information with respect thereto would be prejudicial to the national defense.

SEC. 7. Nothing contained in this title shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under sections thirteen hundred and forty-two, thirteen hundred and forty-three, and sixteen hundred and twenty-four of the Revised Statutes as amended.

SEC. 8. The provisions of this title shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offenses under this title when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

SEC. 9. The Act entitled "An Act to prevent the disclosure of national defense secrets," approved March third, nineteen hundred and eleven, is hereby repealed.

## TITLE II

### VESSELS IN PORTS OF THE UNITED STATES

SECTION 1. Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

Within the territory and waters of the Canal Zone the Governor of the Panama Canal, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury.

SEC. 2. If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given by the Secretary of the Treasury or the Governor of the Panama Canal under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue law; and the person guilty of such failure, obstruction, or interference shall be fined not more than \$10,000, or imprisonment not more than two years, or both.

SEC. 3. It shall be unlawful for the owner or master or any other person in charge or command of any private vessel, foreign or domestic, or for any member of the crew or other person, within the territorial waters of the United States, willfully to cause or permit the destruction or injury of such vessel or knowingly to permit said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States, or knowingly to permit such vessels to be used in violation of the rights and obligations of the United States under the law of nations; and in case such vessel shall be so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and whoever violates this section shall be fined not more than \$10,000 or imprisonment not more than two years, or both.

SEC. 4. The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this title.

### TITLE III

#### INJURING VESSELS ENGAGED IN FOREIGN COMMERCE

SECTION 1. Whoever shall set fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to any vessel of the United States as defined



n section three hundred and ten of the Act of March fourth, nineteen hundred and nine, entitled "An Act to codify, revise, and amend the penal laws of the United States," or to the cargo of the same, or shall tamper with the motive power or instrumentalities of navigation of such vessel, or shall place bombs or explosives in or upon such vessel, or shall do any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom; or whoever shall attempt or conspire to do any such acts with such intent, shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

#### TITLE IV

##### INTERFERENCE WITH FOREIGN COMMERCE BY VIOLENT MEANS

SECTION 1. Whoever, with intent to prevent, interfere with, or obstruct or attempt to prevent, interfere with, or obstruct the exportation to foreign countries of articles from the United States shall injure or destroy, by fire or explosives, such articles or the places where they may be while in such foreign commerce, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

#### TITLE V

##### ENFORCEMENT OF NEUTRALITY

SECTION 1. During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may withhold clearance from or to any vessel, domestic or foreign, which is required by law to secure clearance before departing from port or from the jurisdiction of the United States, or, by service of formal notice upon the owner, master, or person in command or having charge of any domestic vessel not required by law to secure clearances before so departing, to forbid its departure from port or from the jurisdiction of the United States, whenever there is reasonable cause to believe that any such vessel, domestic or foreign, whether requiring clearance or not, is about to carry fuel, arms, ammunition, men, supplies, dispatches, or

information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations; and it shall thereupon be unlawful for such vessel to depart.

SEC. 2. During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may detain any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master, or person having charge of such vessel, shall furnish proof satisfactory to the President, or to the person duly authorized by him, that the vessel will not be employed by the said owners, or master, or person having charge thereof, to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with which the United States is at peace, and that the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

SEC. 3. During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States.

SEC. 4. During a war in which the United States is a neutral nation, in addition to the facts required by sections forty-one hundred and ninety-seven, forty-one hundred and ninety-eight, and forty-two hundred of the Revised Statutes to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, each of which sections of the Revised Statutes is hereby declared to be and is continued in full force and effect, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port

shall deliver to the collector of customs for the district wherein such vessel is then located a statement duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transshipped on the high seas and, if it is to be so delivered or transshipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transshipped, and the name of the person, corporation, vessel, or government, to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under oath as to the cargo or the parts thereof laden or shipped by them, respectively.

SEC. 5. Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional statements under oath required in the foregoing section are false, the collector of customs for the district in which the vessel is located may, subject to review by the Secretary of Commerce, refuse clearance to any vessel, domestic or foreign, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, forbid the departure of the vessel from the port or from the jurisdiction of the United States; and it shall thereupon be unlawful for the vessel to depart.

SEC. 6. Whoever, in violation of any of the provisions of this title, shall take, or attempt or conspire to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

SEC. 7. Whoever, being a person belonging to the armed land or naval forces of a belligerent nation or belligerent faction of any nation and being interned in the United States, in accordance with the law of nations, shall leave or attempt to leave said jurisdiction, or shall leave or attempt to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or shall willfully overstay a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and

there confined and safely kept for such period of time as the official of the United States in charge shall direct; and whoever, within the jurisdiction of the United States and subject thereto, shall aid or entice any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed, shall be fined not more than \$1000 or imprisoned not more than one year, or both.

SEC. 8. Section thirteen of the Act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, is hereby amended so as to read as follows:

"SEC. 13. Whoever, within the territory or jurisdiction of the United States or of any of its possessions, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or who takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than \$3000 or imprisoned not more than three years, or both."

SEC. 9. That the President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title.

SEC. 10. Section fifteen of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, is hereby amended so as to read as follows:

"SEC. 15. It shall be lawful for the President to employ such part of the land or naval forces of the United States, or of the militia thereof, as he may deem necessary to compel any foreign vessel to depart from the United States or any of its possessions in all cases in which, by the law of nations or the treaties of the United States, it ought not to remain, and to detain or prevent any foreign vessel from so departing in all cases in which, by the law of nations or the treaties of the United States, it is not entitled to depart."

SEC. 11. The joint resolution approved March fourth, nineteen hundred and fifteen, "To empower the President to better enforce and maintain the neutrality of the United States," and any Act or parts of Acts in conflict with the provisions of this title are hereby repealed.

## TITLE VI

## SEIZURE OF ARMS AND OTHER ARTICLES INTENDED FOR EXPORT

SECTION 1. Whenever an attempt is made to export or ship from or take out of the United States, any arms or munitions of war, or other articles, in violation of law, or whenever there shall be known or probable cause to believe that any such arms or munitions of war, or other articles, are being or are intended to be exported, or shipped from, or taken out of the United States, in violation of law, the several collectors, naval officers, surveyors, inspectors of customs, and marshals, and deputy marshals of the United States, and every other person duly authorized for the purpose by the President, may seize and detain any articles or munitions of war about to be exported or shipped from, or taken out of the United States, in violation of law, and the vessels or vehicles containing the same, and retain possession thereof until released or disposed of as hereinafter directed. If upon due inquiry as hereinafter provided, the property seized shall appear to have been about to be so unlawfully exported, shipped from, or taken out of the United States, the same shall be forfeited to the United States.

SEC. 2. It shall be the duty of the person making any seizure under this title to apply, with due diligence, to the judge of the district court of the United States, or to the judge of the United States district court of the Canal Zone, or to the judge of a court of first instance in the Philippine Islands, having jurisdiction over the place within which the seizure is made, for a warrant to justify the further detention of the property so seized, which warrant shall be granted only on oath or affirmation showing that there is known or probable cause to believe that the property seized is being or is intended to be exported or shipped from or taken out of the United States in violation of law; and if the judge refuses to issue the warrant, or application therefor is not made by the person making the seizure within a reasonable time, not exceeding ten days after the seizure, the property shall forthwith be restored to the owner or person from whom seized. If the judge is satisfied that the seizure was justified under the provisions of this title and issues his warrant accordingly, then the property shall be detained by the person seizing it until the President, who is hereby expressly authorized so to do, orders it to be restored to the owner or claimant, or until it is discharged

in due course of law on petition of the claimant, or on trial of condemnation proceedings, as hereinafter provided.

SEC. 3. The owner or claimant of any property seized under this title may, at any time before condemnation proceedings have been instituted, as hereinafter provided, file his petition for its restoration in the district court of the United States, or the district court of the Canal Zone, or the court of first instance in the Philippine Islands, having jurisdiction over the place in which the seizure was made, whereupon the court shall advance the cause for hearing and determination with all possible dispatch, and, after causing notice to be given to the United States attorney for the district and to the person making the seizure, shall proceed to hear and decide whether the property seized shall be restored to the petitioner or forfeited to the United States.

SEC. 4. Whenever the person making any seizure under this title applies for and obtains a warrant for the detention of the property, and (a) upon the hearing and determination of the petition of the owner or claimant restoration is denied, or (b) the owner or claimant fails to file a petition for restoration within thirty days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court or the district court of the Canal Zone or the court of first instance of the Philippine Islands having jurisdiction over the place wherein the seizure was made, against the property for condemnation; and if, after trial and hearing of the issues involved, the property is condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, paid into the Treasury.

SEC. 5. The proceedings in such summary trials upon the petition of the owner or claimant of the property seized, as well as in the libel cases herein provided for, shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such libel cases, and all such proceedings shall be at the suit of and in the name of the United States: *Provided*, That upon the payment of the costs and legal expenses of both the summary trials and the libel proceedings herein provided for, and the execution and delivery of a good and sufficient bond in an amount double the value of the property seized, conditioned that it will not be exported or used or employed contrary to the provisions of this title, the court, in its discretion, may direct that it be delivered to the owners thereof or to the claimants thereof.



SEC. 6. Except in those cases in which the exportation of arms and munitions of war or other articles is forbidden by proclamation or otherwise by the President, as provided in section one of this title, nothing herein contained shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place wheresoever, or with any other trade which might have been lawfully carried on before the passage of this title, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof.

SEC. 7. Upon payment of the costs and legal expenses incurred in any such summary trial for possession or libel proceedings, the President is hereby authorized, in his discretion, to order the release and restoration to the owner or claimant, as the case may be, of any property seized or condemned under the provisions of this title.

SEC. 8. The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title.

## TITLE VII

### CERTAIN EXPORTS IN TIME OF WAR UNLAWFUL

SECTION 1. Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however,* That no preference shall be given to the ports of one State over those of another.

SEC. 2. Any person who shall export, ship, or take out, or deliver or attempt to deliver for export, shipment, or taking out, any article in violation of this title, or of any regulation or order made hereunder, shall be fined not more than \$10,000, or, if a natural person, imprisoned for not more than two years, or both; and any article so delivered or exported, shipped, or taken out, or so attempted to be delivered or exported, shipped, or taken out, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who partici-



pates in any such violation shall be liable to like fine or imprisonment, or both.

SEC. 3. Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation of the provisions of this title, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of Commerce, to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. Whoever, in violation of any of the provisions of this section shall take, or attempt to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than \$10,000 or imprisoned not more than two years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States.

## TITLE VIII

### DISTURBANCE OF FOREIGN RELATIONS

SECTION 1. Whoever, in relation to any dispute or controversy between a foreign government and the United States, shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, to the injury of the United States, or with a view or intent to influence any measure of or action by the Government of the United States, or any branch thereof, to the injury of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

SEC. 2. Whoever within the jurisdiction of the United States shall falsely assume or pretend to be a diplomatic or consular, or other official of a foreign government duly accredited as such to the Government of the United States with intent to defraud such foreign government or any person, and shall take upon himself to act as such, or in such pre-

tended character shall demand or obtain, or attempt to obtain from any person or from said foreign government, or from any officer thereof, any money, paper, document, or other thing of value, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

SEC. 3. Whoever, other than a diplomatic or consular officer or attaché, shall act in the United States as an agent of a foreign government without prior notification to the Secretary of State shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

SEC. 4. The words "foreign government," as used in this Act and in sections one hundred and fifty-six, one hundred and fifty-seven, one hundred and sixty-one, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, and two hundred and twenty of the Act of March fourth, nineteen hundred and nine, entitled "An Act to codify, revise, and amend the penal laws of the United States," shall be deemed to include any Government, faction, or body of insurgents within a country with which the United States is at peace, which Government, faction, or body of insurgents may or may not have been recognized by the United States as a Government.

SEC. 5. If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within a foreign country and belonging to a foreign Government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, or other public utility so situated, and if one or more of such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to the conspiracy shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Any indictment or information under this section shall describe the specific property which it was the object of the conspiracy to injure or destroy.

## TITLE IX

### PASSPORTS

SECTION 1. Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application

shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. Clerks of United States courts, agents of the Department of State, or other Federal officials authorized, or who may be authorized, to take passport applications and administer oaths thereon, shall collect, for all services in connection therewith, a fee of \$1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate.

SEC. 2. Whoever shall willfully and knowingly make any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, or whoever shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

SEC. 3. Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; or whoever shall willfully and knowingly furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

SEC. 4. Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be falsely made, forged, counterfeited, mutilated or altered any passport or instrument purporting to be a passport, with intent to use the same or with intent that the same may be used by another; or whoever shall willfully or knowingly use, or attempt to use, or furnish to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

## TITLE X

## COUNTERFEITING GOVERNMENT SEAL

SECTION 1. Whoever shall fraudulently or wrongfully affix or impress the seal of any executive department, or of any bureau, commission, or office of the United States, to or upon any certificate, instrument, commission, document, or paper of any description; or whoever, with knowledge of its fraudulent character, shall with wrongful or fraudulent intent use, buy, procure, sell, or transfer to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

SEC. 2. Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be made, forged, counterfeited, mutilated, or altered, or shall willingly assist in falsely making, forging, counterfeiting, mutilating, or altering, the seal of any executive department, or any bureau, commission, or office of the United States, or whoever shall knowingly use, affix, or impress any such fraudulently made, forged, counterfeited, mutilated, or altered seal to or upon any certificate, instrument, commission, document, or paper, of any description, or whoever with wrongful or fraudulent intent shall have possession of any such falsely made, forged, counterfeited, mutilated, or altered seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

SEC. 3. Whoever shall falsely make, forge, counterfeit, alter, or tamper with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with wrongful or fraudulent intent shall use or have in his possession any such pass or permit, or shall personate or falsely represent himself to be or not to be a person to whom such pass or permit has been duly issued, or shall willfully allow any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

## TITLE XI

## SEARCH WARRANTS

SECTION 1. A search warrant authorized by this title may be issued by a judge of a United States district court, or by a judge of a State or Territorial court of record, or by a United States commissioner for the district wherein the property sought is located.

SEC. 2. A search warrant may be issued under this title upon either of the following grounds:

1. When the property was stolen or embezzled in violation of a law of the United States; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was stolen or embezzled, or from any person in whose possession it may be.

2. When the property was used as the means of committing a felony; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was used in the commission of the offense, or from any person in whose possession it may be.

3. When the property, or any paper, is possessed, controlled, or used in violation of section twenty-two of this title; in which case it may be taken on the warrant from the person violating said section, or from any person in whose possession it may be, or from any house or other place in which it is concealed.

SEC. 3. A search warrant cannot be issued but upon probable cause, supported by affidavit, naming or describing the person and particularly describing the property and the place to be searched.

SEC. 4. The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them.

SEC. 5. The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

SEC. 6. If the judge or commissioner is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a civil officer of the United States duly

authorized to enforce or assist in enforcing any law thereof, or to a person so duly authorized by the President of the United States, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding him forthwith to search the person or place named, for the property specified, and to bring it before the judge or commissioner.

SEC. 7. A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

SEC. 8. The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

SEC. 9. He may break open any outer or inner door or window of a house for the purpose of liberating a person who, having entered to aid him in the execution of the warrant, is detained therein, or when necessary for his own liberation.

SEC. 10. The judge or commissioner must insert a direction in the warrant that it be served in the daytime, unless the affidavits are positive that the property is on the person or in the place to be searched, in which case he may insert a direction that it be served at any time of the day or night.

SEC. 11. A search warrant must be executed and returned to the judge or commissioner who issued it within ten days after its date; after the expiration of this time the warrant, unless executed, is void.

SEC. 12. When the officer takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or, in the absence of any person, he must leave it in the place where he found the property.

SEC. 13. The officer must forthwith return the warrant to the judge or commissioner and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory and taken before the judge or commissioner at the time, to the following effect: "I, R. S., the officer by whom this warrant was

executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant."

SEC. 14. The judge or commissioner must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant.

SEC. 15. If the grounds on which the warrant was issued be controverted, the judge or commissioner must proceed to take testimony in relation thereto, and the testimony of each witness must be reduced to writing and subscribed by each witness.

SEC. 16. If it appears that the property or paper taken is not the same as that described in the warrant or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the judge or commissioner must cause it to be restored to the person from whom it was taken: but if it appears that the property or paper taken is the same as that described in the warrant and that there is probable cause for believing the existence of the grounds on which the warrant was issued, then the judge or commissioner shall order the same retained in the custody of the person seizing it or to be otherwise disposed of according to law.

SEC. 17. The judge or commissioner must annex the affidavits, search warrant, return, inventory, and evidence, and if he has not power to inquire into the offense in respect to which the warrant was issued he must at once file the same, together with a copy of the record of his proceedings, with the clerk of the court having power to so inquire.

SEC. 18. Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than \$1,000 or imprisoned not more than two years.

SEC. 19. Sections one hundred and twenty-five and one hundred and twenty-six of the Criminal Code of the United States shall apply to and embrace all persons making oath or affirmation or procuring the same under the provisions of this title, and such persons shall be subject to all the pains and penalties of said sections.

SEC. 20. A person who maliciously and without probable cause procures a search warrant to be issued and executed shall be fined not more than \$1,000 or imprisoned not more than one year.



SEC. 21. An officer who in executing a search warrant willfully exceeds his authority, or exercises it with unnecessary severity, shall be fined not more than \$1,000 or imprisoned not more than one year.

SEC. 22. Whoever, in aid of any foreign Government, shall knowingly and willfully have possession of or control over any property or papers designed or intended for use or which is used as the means of violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined not more than \$1,000 or imprisoned not more than two years, or both.

SEC. 23. Nothing contained in this title shall be held to repeal or impair any existing provisions of law regulating search and the issue of search warrants.

## TITLE XII

### USE OF MAILS

SECTION 1. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book or, other publication, matter or thing, of any kind, in violation of any of the provisions of this Act is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier: *Provided*, That nothing in this Act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person upon a search warrant authorized by law, to open any letter not addressed to himself.

SEC. 2. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is hereby declared to be nonmailable.

SEC. 3. Whoever shall use or attempt to use the mails or Postal Service of the United States for the transmission of any matter declared by this title to be nonmailable, shall be fined not more than \$5,000 or imprisoned not more than five years, or both. Any person violating any provision of this title may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

## TITLE XIII

## GENERAL PROVISIONS

SECTION 1. The term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

SEC. 2. The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this Act committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this Act committed upon the high seas, and of conspiracies to commit such offenses, as defined by section thirty-seven of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, and the provisions of said section, for the purpose of this Act, are hereby extended to the Philippine Islands, and to the Canal Zone. In such cases the district attorneys of the Philippine Islands and of the Canal Zone shall have the powers and perform the duties provided in this Act for United States attorneys.

SEC. 3. Offenses committed and penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by any chapter of this Act may be prosecuted and punished, and suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted, in the same manner and with the same effect as if this Act had not been passed.

SEC. 4. If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Approved, June 15, 1917.

EXECUTIVE ORDER TAKING OVER GERMAN VESSELS IN AMERICAN  
PORTS*No. 265, June 30, 1917*

*Whereas* the following Joint Resolution adopted by Congress was approved by the President May 12, 1917:

Joint Resolution Authorizing the President to take over for the United States the possession and title of any vessel within its jurisdiction, which at the time of coming therein was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war, or was under register of any such nation, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be, and he is hereby, authorized to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all territories and insular possessions of the United States except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken, or was flying the flag of or was under register of any such nation or any political subdivision or municipality thereof; and, through the United States Shipping Board, or any department or agency of the Government, to operate, lease, charter, and equip such vessel in any service of the United States, or in any commerce, foreign or coastwise.

Sec. 2. That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint, subject to the approval of the President, a board of survey, whose duty it shall be to ascertain the actual value of the vessel, its equipment, appurtenances, and all property contained therein, at the time of its taking, and to make a written report of their findings to the Secretary of the Navy, who shall preserve such report with the records of his department. These findings shall be considered as competent evidence in all proceedings on any claim for compensation.

*And whereas* the following vessels were, at the time of coming into the jurisdiction of the United States owned in whole or in part by a corporation, citizen or subject of the Empire of Germany, a nation with which the United States is now at war, or were flying the flag of or under the register of the Empire of Germany, or of a political subdivision or municipality thereof:

Vaterland

Amerika

Kaiser Wilhelm II

President Grant

Pennsylvania

Neptun

O. J. D. Ahlers

Prinz Waldemar

Loongmoon

Gouverneur Jaeschke

Bulgaria	Darvel
Prinzess Irene	Princess Alice
Hamburg	Wiegand
Neckar	Bochum
Bohemia	Carl Diederichsen
Rhaetia	Coblenz
Wittekind	Esslingen
Armenia	Lyeemoon
Adamsturm	Pongtong
Willehad	Sachsen
Serapis	Suevia
Allemannia	Steinbeck
Nassovia	Elsass
Maia	Indra
Arnoldus Vinnen	Setos
Ottawa	Holsatia
Grunewald	Staatssekretar Kraetke
Sachsenwald	Borneo
Staatssekretar Solf	Marudu
Aroa (Lighter)	Tsintau
George Washington	Andalusia
Kronprinzessin Cecile	Camilla Rickmers
President Lincoln	Clara Jebsen
Cincinnati	Elmshorn
Grosser Kurfurst	Johanne
Barbarossa	Mark
Friedrich der Grosse	Rajah
Rhein	Sambia
Konig Wilhelm II	Tubingen
Koln	Dalbek
Prinz Oskar	Magdeburg
Ockenfels	Matador
Arcadia	Kurt
Pisa	Andromeda
Prinz Joachim	Prinz Sigismund
Harburg	Savoia
Portonia	Arni (Lighter)
Clara Mennig	Argus (Lighter)
Pommern	

*It is therefore ordered* that through the United States Shipping Board there be taken over to the United States the possession and title of the aforementioned vessels. The United States Shipping Board is further hereby authorized to repair, equip and man the said vessels; to operate, lease or charter the same in any service of the United States, or in any commerce, foreign or coastwise; and to do and perform any and all things that may be necessary to accomplish the purposes of the Joint Resolution above set forth.

WOODROW WILSON.

THE WHITE HOUSE,  
30 June, 1917.

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PROCLAMATION RELATING TO AGENCIES IN THE UNITED STATES OF GERMAN  
INSURANCE COMPANIES

*No. 1366, April 6, 1917*

*Whereas*, certain insurance companies, incorporated under the laws of the German Empire, have been admitted to transact the business of insurance in various States of the United States, by means of separate United States Branches established pursuant to the laws of such States, and are now engaged in business under the supervision of the Insurance Departments thereof, with assets in the United States deposited with Insurance Departments or in the hands of resident trustees, citizens of the United States, for the protection of all policyholders in the United States;

*And whereas*, the interests of the citizens of the United States in the protection afforded by such insurance are of great magnitude, so that it is deemed to be important that the agencies of such companies in the United States be permitted to continue in business;

Now, therefore, I, WOODROW WILSON, President of the United States of America, by virtue of the powers vested in me as such, hereby declare and proclaim that such branch establishments of German Insurance Companies now engaged in the transaction of business in the United States pursuant to the laws of the several States are hereby authorized and permitted to continue the transaction of their business in accordance with the laws of such States in the same manner and to the same extent as though a state of war did not now exist; provided, however, that all funds of such establishments now in the possession of their managers

or agents, or which shall hereafter come into their possession, shall be subject to such rules and regulations concerning the payment and disposition thereof as shall be prescribed by the insurance supervising officials of the State in which the principal office of such establishment in the United States is located, but in no event shall any funds belonging to or held for the benefit of such companies be transmitted outside of the United States nor be used as the basis for the establishment directly or indirectly of any credit within or outside of the United States to or for the benefit or use of the enemy or any of his allies without the permission of this Government.

*In witness whereof*, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this sixth day of April in the year of our Lord one thousand nine hundred and seventeen,  
[SEAL] and of the Independence of the United States the one hundred and forty-first.

WOODROW WILSON.

By the President:

ROBERT LANSING

*Secretary of State.*

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PROCLAMATION PROHIBITING MARINE AND WAR RISK INSURANCE BY  
GERMAN COMPANIES

*No. 1386. July 13, 1917*

Whereas, certain insurance companies, incorporated under the laws of the German Empire, have been admitted to transact the business of marine and war risk insurance in various States of the United States, by means of separate United States Branches established pursuant to the laws of such States, and are now engaged in such business under the supervision of the Insurance Departments thereof, with assets in the United States deposited with Insurance Departments or in the hands of resident trustees, citizens of the United States, for the protection of all policy-holders in the United States:

And whereas, the nature of marine and war risk insurance is such that those conducting it must of necessity be in touch with the movements of ships and cargoes, and it has been considered by the Government of

great importance that this information should not be obtained by alien enemies;

Now, therefore, I, WOODROW WILSON, President of the United States of America, by virtue of the powers vested in me as such, hereby declare and proclaim that such branch establishments of German Insurance Companies now engaged in the transaction of business in the United States pursuant to the laws of the several States are hereby prohibited from continuing the transaction of the business of marine and war risk insurance either as direct insurers or re-insurers; and all individuals, firms, and insurance companies incorporated under the laws of any of the States or Territories of the United States, or of any foreign country, and established pursuant to the laws of such States and now engaged in the United States in the business of marine and war risk insurance either as direct insurers or re-insurers are hereby prohibited from re-insuring with companies incorporated under the laws of the German Empire, no matter where located; and all persons in the United States are prohibited from insuring against marine or war risks with insurance companies incorporated under the laws of the German Empire or with individuals, firms, and insurance companies incorporated under the laws of any of the States or Territories of the United States or of any foreign country and now engaged in the business of marine or war risk insurance in the United States, which re-insure business originating in the United States with companies incorporated under the laws of the German Empire, no matter where located.

The foregoing prohibitions shall extend and operate as to all existing contracts for insurance and re-insurance which are hereby suspended for the period of the war, except that they shall not operate to vitiate or prevent the insurance or re-insurance of, and the payment or receipt of, premiums on insurance or re-insurance under existing contracts on vessels or interest at risk on the date of this proclamation, and such insurance or re-insurance, if for a voyage, shall continue in force until arrival at destination, and if for time, until thirty days from the date of this proclamation, but if on a voyage at that time, until the arrival at destination.

Nothing herein shall be construed to operate to prevent the payment or receipt of any premium, return premium, or claim now due or which may become due on or in respect to insurances or re-insurances not prohibited by this proclamation.



That all funds of such German companies now in the possession of their managers or agents, or which shall hereafter come into their possession, shall be subject to such rules and regulations concerning the payment and disposition thereof as shall be prescribed by the insurance supervising officials of the State in which the principal office of such establishment in the United States is located, but in no event shall any funds belonging to or held for the benefit of such companies be transmitted outside of the United States, nor be used as the basis for the establishment, directly or indirectly, of any credit within or outside of the United States to or for the benefit or use of the enemy or any of his allies without the permission of this Government.

*In witness whereof*, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the District of Columbia this thirteenth day of July  
in the year of our Lord one thousand nine hundred and  
[SEAL] seventeen and of the Independence of the United States  
the one hundred and forty-second.

WOODROW WILSON.

By the President:

FRANK L. POLK

*Acting Secretary of State.*

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PROCLAMATION MAKING CERTAIN EXPORTS IN TIME OF WAR  
UNLAWFUL

*No. 1385, July 9, 1917*

*Whereas* Congress has enacted, and the President has on the fifteenth day of June, 1917, approved a law which contains the following provisions:

Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: Provided, however, that no preference shall be given to the ports of one State over those of another.

Any person who shall export, ship, or take out, or deliver or attempt to deliver for export, shipment, or taking out, any article in violation of this title, or of any regulation or order made hereunder, shall be fined not more than \$10,000, or, if a natural person, imprisoned for not more than two years, or both; and any article so delivered or exported, shipped, or taken out, or so attempted to be delivered or exported, shipped, or taken out, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who participates in any such violation shall be liable to like fine or imprisonment, or both.

Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation of the provisions of this title, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of Commerce, to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. Whoever, in violation of any of the provisions of this section shall take, or attempt to take, or authorize the taking of any such vessel out of port or from the jurisdiction of the United States, shall be fined not more than \$10,000 or imprisoned not more than two years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States.

*And whereas*, the public safety requires that succor shall be prevented from reaching the enemy;

Now, therefore, I, WOODROW WILSON, President of the United States of America, do hereby proclaim to all whom it may concern that, except at such time or times and under such regulations and orders and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress, the following articles, namely: Coal, coke, fuel oils, kerosene and gasoline, including bunkers; food grains, flour and meal therefrom, fodder and feeds, meat and fats; pig iron, steel billets, ship plates and structural shapes, scrap iron and scrap steel; ferro-manganese; fertilizers; arms, ammunition and explosives, shall not, on and after the fifteenth day of July, 1917, be carried out of or exported from the United States or its territorial possessions to Abyssinia, Afghanistan, Albania, Argentina, Austria-Hungary, Belgium, her colonies, possessions or protectorates, Bolivia, Brazil, Bulgaria, China, Chile, Colombia, Costa Rica, Cuba, Denmark, her colonies, possessions or protectorates, Dominican Republic, Ecuador, Egypt, France, her colonies, possessions or protectorates, Germany, her colonies, possessions or protectorates, Great Britain, her colonies, possessions or protectorates, Greece, Guatemala, Haiti,

Honduras, Italy, her colonies, possessions or protectorates, Japan, Liberia, Leichtenstein, Luxembourg, Mexico, Monaco, Montenegro, Morocco, Nepal, Nicaragua, The Netherlands, her colonies, possessions, or protectorates, Norway, Oman, Panama, Paraguay, Persia, Peru, Portugal, her colonies, possessions, or protectorates, Roumania, Russia, Salvador, San Marino, Serbia, Siam, Spain, her colonies, possessions or protectorates, Sweden, Switzerland, Uruguay, Venezuela, or Turkey.

The orders and regulations from time to time prescribed will be administered by and under the authority of the Secretary of Commerce, from whom licenses, in conformity with the said orders and regulations, will issue.

*In witness whereof* I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this ninth day of July, in the  
year of our Lord one thousand nine hundred and seventeen  
[SEAL] and of the independence of the United States of America  
the one hundred and forty-second.

WOODROW WILSON.

By the President,

FRANK L. POLK

*Acting Secretary of State.*

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PROCLAMATION MAKING CERTAIN EXPORTS IN TIME OF WAR UNLAWFUL

*No. 1391, August 27, 1917*

*Whereas* Congress has enacted, and the President has on the fifteenth day of June, 1917, approved a law which contains the following provisions:

Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: Provided, however, that no preference shall be given to the ports of one State over those of another.

Any person who shall export, ship, or take out, or deliver or attempt to deliver for export, shipment, or taking out, any article in violation of this title, or of any

regulation or order made hereunder, shall be fined not more than \$10,000, or, if a natural person, imprisoned for not more than two years, or both; and any article so delivered or exported, shipped or taken out, or so attempted to be delivered or exported, shipped, or taken out, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who participates in any such violation shall be liable to like fine or imprisonment, or both.

Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation of the provisions of this title, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of Commerce, to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. Whoever, in violation of any of the provisions of this section, shall take, or attempt to take, or authorize the taking of any such vessel out of port or from the jurisdiction of the United States, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States;

Now, therefore, I, WOODROW WILSON, President of the United States of America, do hereby proclaim to all whom it may concern that the public safety requires that, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress, the following articles, namely: all kinds of arms, guns, ammunition and explosives, machines for their manufacture or repair, component parts thereof, materials or ingredients used in their manufacture, and all articles necessary or convenient for their use; all contrivances for or means of transportation on land or in the water or air, machines used in their manufacture or repair, component parts thereof, materials or ingredients used in their manufacture, and all instruments, articles and animals necessary or convenient for their use; all means of communication, tools, implements, instruments, equipment, maps, pictures, papers and other articles, machines and documents necessary or convenient for carrying on hostile operations; coin, bullion, currency, evidences of debt, and metal, materials, dies, plates, machinery and other articles necessary or convenient for their manufacture; all kinds of fuel, food, food-stuffs, feed, forage and clothing, and all articles and materials used in their manufacture; all chemicals, drugs, dye-stuffs and tanning materials; cotton, wool, silk, flax, hemp, jute, sisal, and other fibers and manufactures thereof; all earths, clay, glass, sand,

and their products; hides, skins and manufactures thereof; non-edible animal and vegetable products; machinery, tools and apparatus; medical, surgical, laboratory and sanitary supplies and equipment; all metals, minerals, mineral oils, ores, and all derivatives and manufactures thereof; paper pulp, books and printed matter; rubber, gums, rosins, tars and waxes, their products, derivatives and substitutes, and all articles containing them; wood and wood manufactures; coffee, cocoa, tea and spices; wines, spirits, mineral waters and beverages: shall not, on and after the 30th day of August in the year One Thousand Nine Hundred and Seventeen, be exported from or shipped from or taken out of the United States or its territorial possessions to Albania, Austria-Hungary, that portion of Belgium occupied by the military forces of Germany, Bulgaria, Denmark, her colonies, possessions or protectorates, Germany, her colonies, possessions or protectorates, Greece, Leichtenstein, Luxembourg, The Kingdom of The Netherlands, Norway, Spain, her colonies, possessions or protectorates, Sweden, Switzerland or Turkey (excluding any portion of the foregoing occupied by the military forces of the United States or the nations associated with the United States in the war), or any territory occupied by the military forces of Germany or her allies; and

I do hereby further proclaim to all whom it may concern that the public safety requires that, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress, the following articles, namely: coal; coke; fuel oils, lubricating oils, hand-lantern oil, naphtha, benzine, red oil, kerosene and gasoline; all bunkers; food grains, flour and meal therefrom, corn flour, barley, rice flour, rice, oat meal and rolled oats; fodder and feeds, oil-cake, oil-meal cake, malt and peanuts; all meats and fats, poultry, cottonseed oil, corn oil, copra, desiccated cocoanuts, butter, fresh, dried and canned fish, edible or inedible grease of animal or vegetable origin, linseed oil, lard, tinned milk, peanut oil and butter, rapeseed oil, tallow, tallow candles and stearic acid; sugar, glucose, syrup and molasses; pig iron, ferrosilicon and spiegeleisen; steel ingots, billets, blooms, slabs and sheet bars; iron and steel plates, including ship, boiler, tank and all other iron and steel plates one-eighth of an inch thick and heavier, and wider than six inches; iron and steel structural shapes, including beams, channels, angles, tees and zees of all sizes; fabricated structural iron and steel, including beams, channels, angles,

tees, zees and plates, fabricated and shipped knocked down; scrap iron and scrap steel; ferromanganese; tool steel, high-speed steel and alloy steels and machine tools; steel-hardening materials; fertilizers including cattle and sheep manure, nitrate of soda, poudrette, potato manure, potassium salts, land plaster, potash, cyanamide, phosphoric acid, phosphate rock, super-phosphate, chlorate of potash, bone meal, bone flour, ground bone, dried blood, ammonia and ammonia salts, acid phosphates, guano, humus, hardwood ashes, soot, anhydrous ammonia; aeronautical machines and instruments, their parts and accessories thereof; arms and ammunition; all explosives, nitrate of potash, rosin, saltpetre, turpentine, ether, alcohol, sulphur, sulphuric acid and its salts, acetone, nitric acid and its salts, benzol and its derivatives, phenol (carbolic acid) and its derivatives, toluol and its derivatives, mercury and its salts, glycerine, potash and its salts, all cyanides and films; carrier and other pigeons; anti-aircraft instruments, apparatus and accessories; all radio and wireless apparatus and its accessories; optical glass, optical instruments and reflectors; cotton and cotton linters; wool, wool rags, wool and khaki clippings and wool products; flax, sisal, jute, hemp and all manufactures thereof; hides, skins, leather, leather belting, sole and upper leather, leather boots and shoes, harness and saddles and leather clothing; soap and soap powders; all engines and motors operated by steam, gas, electricity or other motive power and their accessories; metal and wood-working machinery; oil well casing, oil well drilling implements and machinery and the accessories thereof; steam boilers, turbines, condensers, pumps and accessories thereof; all electrical equipment; crucibles; emery, emery wheels, carborundum and all artificial abrasives; copper, including copper ingots, bars, rods, plates, sheets, tubes, wire and scrap thereof; lead and white lead; tin, tin plate, tin cans and all articles containing tin; nickel, aluminum, zinc, plumbago and platinum; news-paper, print-paper, wood pulp and cellulose; ash, spruce, walnut, mahogany, oak and birch woods; and industrial diamonds: shall not, on and after the 30th day of August in the year One Thousand Nine Hundred and Seventeen, be exported from, shipped from or taken out of the United States or its territorial possessions to Abyssinia, Afghanistan, Argentina, that portion of Belgium not occupied by the military forces of Germany or the colonies, possessions or protectorates of Belgium, Bolivia, Brazil, China, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, France, her colonies, possessions or protectorates, Guatemala, Haiti,



Honduras, Italy, her colonies, possessions or protectorates, Great Britain, her colonies, possessions or protectorates, Japan, Liberia, Mexico, Monaco, Montenegro, Morocco, Nepal, Nicaragua, the colonies, possessions or protectorates of The Netherlands, Oman, Panama, Paraguay, Persia, Peru, Portugal, her colonies, possessions or protectorates, Roumania, Russia, Salvador, San Marino, Serbia, Siam, Uruguay, Venezuela (excluding any portion of the foregoing occupied by the military forces of Germany or her allies), or any territory occupied by the military forces of the United States or by the nations associated with the United States in the war.

The regulations, orders, limitations and exceptions prescribed will be administered by and under the authority of the Exports Administrative Board, from whom licenses, in conformity with said regulations, orders, limitations and exceptions, will issue.

*In witness whereof*, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE in the District of Columbia, this 27th day of August in the year of our Lord One Thousand Nine Hundred and  
 [SEAL] Seventeen and of the Independence of the United States of America the One Hundred and Forty-second.

WOODROW WILSON.

By the President,  
 ROBERT LANSING,  
*Secretary of State.*

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#### PROCLAMATION PROHIBITING EXPORTS OF COIN, BULLION AND CURRENCY

*No. 1392, September 7, 1917*

*Whereas* Congress has enacted, and the President has on the fifteenth day of June, 1917, approved a law which contains the following provisions:

Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the Presi-



dent or by Congress: Provided, however, that no preference shall be given to the ports of one State over those of another.

Any person who shall export, ship, or take out, or deliver or attempt to deliver for export, shipment, or taking out, any article in violation of this title, or of any regulation or order made hereunder, shall be fined not more than \$10,000, or, if a natural person, imprisoned for not more than two years, or both; and any article so delivered or exported, shipped, or taken out, or so attempted to be delivered or exported, shipped, or taken out, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who participates in any such violation shall be liable to like fine or imprisonment, or both.

Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation of the provisions of this title, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of Commerce, to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. Whoever, in violation of any of the provisions of this section shall take, or attempt to take, or authorize the taking of any such vessel out of port or from the jurisdiction of the United States shall be fined not more than \$10,000 or imprisoned not more than two years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States.

*And whereas* the President has heretofore by proclamation, under date of the twenty-seventh day of August in the year One Thousand Nine Hundred and Seventeen, declared certain exports in time of war unlawful, and the President finds that the public safety requires that such proclamation be amended and supplemented in respect to the articles hereinafter mentioned;

Now, therefore, I, WOODROW WILSON, President of the United States of America, do hereby proclaim to all whom it may concern that the public safety requires that, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress, the following articles, namely: coin, bullion and currency: shall not, on and after the 10th day of September in the year One Thousand Nine Hundred and Seventeen, be exported from or shipped from or taken out of the United States, or its territorial possessions to Albania, Austria-Hungary, Belgium, Bulgaria, Denmark, her colonies, possessions or protectorates, Germany, her colonies, possessions or protectorates, Greece, Leichtenstein, Luxembourg, The Kingdom

of the Netherlands, Norway, Spain, her colonies, possessions or protectorates, Sweden, Switzerland or Turkey, Abyssinia, Afghanistan, Argentina, Bolivia, Brazil, China, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, France, her colonies, possessions or protectorates, Guatemala, Haiti, Honduras, Italy, her colonies, possessions or protectorates, Great Britain, her colonies, possessions or protectorates, Japan, Liberia, Mexico, Monaco, Montenegro, Morocco, Nepal, Nicaragua, the colonies, possessions or protectorates of The Netherlands, Oman, Panama, Paraguay, Persia, Peru, Portugal, her colonies, possessions or protectorates, Roumania, Russia, Salvador, San Marino, Serbia, Siam, Uruguay, or Venezuela.

The regulations, orders, limitations and exceptions prescribed will be administered by and under the authority of the Secretary of the Treasury, from whom licenses in conformity with said regulations, orders, limitations and exceptions will issue.

Except as hereby amended and supplemented, the above mentioned proclamation under date of August 27, 1917, shall continue in full force and effect.

*In witness whereof*, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE in the District of Columbia, this 7th day of September  
in the year of our Lord One Thousand Nine Hundred and  
[SEAL] Seventeen and of the Independence of the United States  
of America the One Hundred and Forty-second.

WOODROW WILSON.

By the President,  
ROBERT LANSING,  
*Secretary of State.*

#### THE POPE'S PEACE APPEAL TO HEADS OF BELLIGERENT NATIONS<sup>1</sup>

*August 1, 1917*

*To the rulers of the belligerent peoples;*

From the beginning of our pontificate, in the midst of the horrors of the awful war let loose on Europe, we have had of all things three in mind: To maintain perfect impartiality toward all the belligerents as

<sup>1</sup> Received by the Department of State, through the British Foreign Office. *Official Bulletin*, Washington, August 17, 1917. [Translation from the French.]

becomes him who is the common father and loves all his children with equal affection; continually to endeavor to do them all as much good as possible, without exception of person, without distinction of nationality or religion, as is dictated to us by the universal law of charity as well as by the supreme spiritual charge with which we have been intrusted by Christ; finally, as also required by our mission of peace, to omit nothing, as far as it lay in our power, that could contribute to expedite the end of these calamities by endeavoring to bring the peoples and their rulers to more moderate resolutions, to the serene deliberation of peace, of a "just and lasting" peace.

Whoever has watched our endeavors in these three grievous years that have just elapsed could easily see that while we remained ever true to our resolution of absolute impartiality and beneficent action, we never ceased to urge the belligerent peoples and Governments again to be brothers, although all that we did to reach this very noble goal was not made public.

About the end of the first year of the war we addressed to the contending nations the most earnest exhortations and in addition pointed to the path that would lead to a stable peace honorable to all. Unfortunately our appeal was not heeded and the war was fiercely carried on for two years more with all its horrors. It became even more cruel and spread over land and sea and even to the air, and desolation and death were seen to fall upon defenseless cities, peaceful villages, and their innocent populations. And now no one can imagine how much the general suffering would increase and become worse if other months or, still worse, other years were added to this sanguinary triennium. Is this civilized world to be turned into a field of death and is Europe, so glorious and flourishing, to rush, as carried by a universal folly, to the abyss and take a hand in its own suicide?

In so distressing a situation, in the presence of so grave a menace, we who have no personal political aim, who listen to the suggestions or interests of none of the belligerents, but are solely actuated by the sense of our supreme duty as the common father of the faithful, by the solicitations of our children who implore our intervention and peace-bearing word, uttering the very voice of humanity and reason, we again call for peace and we renew a pressing appeal to those who have in their hands the destinies of the nations. But no longer confining ourselves to general terms, as we were led to do by circumstances in the past, we will now come to more concrete and practical proposals and invite the Govern-

ments of the belligerent peoples to arrive at an agreement on the following points, which seem to offer the base of a just and lasting peace, leaving it with them to make them more precise and complete:

First, the fundamental point must be that the material force of arms give way to the moral force of right, whence a just agreement of all upon the simultaneous and reciprocal decrease of armaments, according to rules and guarantees to be established, in the necessary and sufficient measure for the maintenance of public order in every State; then, taking the place of arms, the institution of arbitration, with its high pacifying function, according to rules to be drawn in concert and under sanctions to be determined against any State which would decline either to refer international questions to arbitration or to accept its awards.

When supremacy of right is thus established, let every obstacle to ways of communication of the peoples be removed by insuring through rules to be also determined, the true freedom and community of the seas, which, on the one hand, would eliminate many causes of conflict and, on the other hand, would open to all new sources of prosperity and progress.

As for the damages to be repaid and the cost of the war, we see no other way of solving the question than by setting up the general principle of entire and reciprocal condonation which would be justified by the immense benefit to be derived from disarmament, all the more as one could not understand that such carnage could go on for mere economic reasons. If certain particular reasons stand against this in certain cases, let them be weighed in justice and equity.

But these specific agreements, with the immense advantages that flow from them, are not possible unless territory now occupied is reciprocally restituted. Therefore, on the part of Germany, total evacuation of Belgium, with guarantees of its entire political, military, and economic independence toward any power whatever; evacuation also of the French territory; on the part of the other belligerents a similar restitution of the German colonies.

As regards territorial questions as, for instance, those that are disputed by Italy and Austria, by Germany and France, there is reason to hope that in consideration of the immense advantages of durable peace with disarmament, the contending parties will examine in a conciliatory spirit, taking into account as far as is just and possible, as we have said formerly, the aspirations of the population, and if occasion arises adjusting private interests to the general good of the great human society.

The same spirit of equity and justice must guide the examination of the other territorial and political questions, notably those relative to Armenia, the Balkan States, and the territories forming part of the old Kingdom of Poland, for which, in particular, its noble historical traditions and the suffering particularly undergone during the present war, must win, with justice, the sympathies of the nations.

These, we believe, are the main bases upon which must rest the future reorganization of the peoples. They are such as to make the recurrence of such conflicts impossible and open the way for the solution of the economic question which is so important for the future and the material welfare of all of the belligerent states. And so, in presenting them to you who, at this tragic hour, guide the destinies of the belligerent nations, we indulge a gratifying hope that they will be accepted and that we shall thus see an early termination of the terrible struggle which has more and more the appearance of a useless massacre. Everybody acknowledges on the other hand that on both sides the honor of arms is safe. Do not, then, turn a deaf ear to our prayer, accept the paternal invitation which we extend to you in the name of the Divine Redeemer, Prince of Peace. Bear in mind your very grave responsibility to God and man; on your decision depend the quiet and joy of numberless families, the lives of thousands of young men, the happiness, in a word, of the peoples to whom it is your imperative duty to secure this boon. May the Lord inspire you with decisions conformable to His very holy will. May Heaven grant that in winning the applause of your contemporaries you will also earn from the future generations the great titles of pacificators.

As for us, closely united in prayer and penitence with all the faithful souls who yearn for peace, we implore for you the divine spirit, enlightenment, and guidance. Given at the Vatican, August 1, 1917.

BENEDICTUS P. M. XV.

REPLY OF THE UNITED STATES TO THE POPE'S PEACE APPEAL<sup>1</sup>*August 27, 1917**To His Holiness Benedictus XV, Pope.*

In acknowledgment of the communication of Your Holiness to the belligerent peoples, dated August 1, 1917, the President of the United States requests me to transmit the following reply:

Every heart that has not been blinded and hardened by this terrible war must be touched by this moving appeal of His Holiness the Pope, must feel the dignity and force of the humane and generous motives which prompted it, and must fervently wish that we might take the path of peace he so persuasively points out. But it would be folly to take it if it does not in fact lead to the goal he proposes. Our response must be based upon the stern facts and upon nothing else. It is not a mere cessation of arms he desires: it is a stable and enduring peace. This agony must not be gone through with again, and it must be a matter of very sober judgment what will insure us against it.

His Holiness in substance proposes that we return to the status quo ante bellum, and that then there be a general condonation, disarmament, and a concert of nations based upon an acceptance of the principle of arbitration; that by a similar concert freedom of the seas be established; and that the territorial claims of France and Italy, the perplexing problems of the Balkan states, and the restitution of Poland be left to such conciliatory adjustments as may be possible in the new temper of such a peace, due regard being paid to the aspirations of the peoples whose political fortunes and affiliations will be involved.

It is manifest that no part of this program can be successfully carried out unless the restitution of the status quo ante furnishes a firm satisfactory basis for it. The object of this war is to deliver the free peoples of the world from the menace and the actual power of a vast military establishment controlled by an irresponsible government which, having secretly planned to dominate the world, proceeded to carry the plan out without regard either to the sacred obligations of treaty or the long-established practices and long-cherished principles of international action and honor; which chose its own time for the war; delivered its blow fiercely and suddenly; stopped at no barrier

<sup>1</sup> *Official Bulletin*, Washington, August 29, 1917.



either of law or of mercy; swept a whole continent within the tide of blood — not the blood of soldiers only, but the blood of innocent women and children also and of the helpless poor; and now stands balked but not defeated, the enemy of four-fifths of the world. This power is not the German people. It is the ruthless master of the German people. It is no business of ours how that great people came under its control or submitted with temporary zest to the domination of its purpose; but it is our business to see to it that the history of the rest of the world is no longer left to its handling.

To deal with such a power by way of peace upon the plan proposed by His Holiness the Pope would, so far as we can see, involve a recuperation of its strength and a renewal of its policy; would make it necessary to create a permanent hostile combination of nations against the German people, who are its instruments; and would result in abandoning the new-born Russia to the intrigue, the manifold subtle interference, and the certain counter-revolution which would be attempted by all the malign influences to which the German Government has of late accustomed the world. Can peace be based upon a restitution of its power or upon any word of honor it could pledge in a treaty of settlement and accommodation?

Responsible statesmen must now everywhere see, if they never saw before, that no peace can rest securely upon political or economic restrictions meant to benefit some nations and cripple or embarrass others, upon vindictive action of any sort, or any kind of revenge or deliberate injury. The American people have suffered intolerable wrongs at the hands of the Imperial German Government, but they desire no reprisal upon the German people, who have themselves suffered all things in this war, which they did not choose. They believe that peace should rest upon the rights of peoples, not the rights of governments — the rights of peoples great or small, weak or powerful — their equal right to freedom and security and self-government and to a participation upon fair terms in the economic opportunities of the world, the German people of course included if they will accept equality and not seek domination.

The test, therefore, of every plan of peace is this: Is it based upon the faith of all the peoples involved or merely upon the word of an ambitious and intriguing government, on the one hand, and of a group of free peoples, on the other? This is a test which goes to the root of the matter; and it is the test which must be applied.



The purposes of the United States in this war are known to the whole world, to every people to whom the truth has been permitted to come. They do not need to be stated again. We seek no material advantage of any kind. We believe that the intolerable wrongs done in this war by the furious and brutal power of the Imperial German Government ought to be repaired, but not at the expense of the sovereignty of any people — rather a vindication of the sovereignty both of those that are weak and of those that are strong. Punitive damages, the dismemberment of empires, the establishment of selfish and exclusive economic leagues, we deem inexpedient and in the end worse than futile, no proper basis for a peace of any kind, least of all for an enduring peace. That must be based upon justice and fairness and the common rights of mankind.

We cannot take the word of the present rulers of Germany as a guarantee of anything that is to endure, unless explicitly supported by such conclusive evidence of the will and purpose of the German people themselves as the other peoples of the world would be justified in accepting. Without such guarantees treaties of settlement, agreements for disarmament, covenants to set up arbitration in the place of force, territorial adjustments, reconstitutions of small nations, if made with the German Government, no man, no nation could now depend on. We must await some new evidence of the purposes of the great peoples of the Central Powers. God grant it may be given soon and in a way to restore the confidence of all peoples everywhere in the faith of nations and the possibility of a covenanted peace.

ROBERT LANSING,  
*Secretary of State of the United States of America.*

---

REPLY OF GERMANY TO THE POPE'S PEACE APPEAL<sup>1</sup>

Berlin, *September 21, 1917*

HERR CARDINAL,

Your eminence has been good enough with your letter of August 2 to transmit to the Kaiser and King, my most gracious master, the note of his Holiness the Pope, in which his Holiness, filled with grief at the devastations of the world war, makes an emphatic appeal for peace to the heads of the belligerent peoples. The Kaiser and King has deigned

<sup>1</sup> *The London Times* (Weekly Edition), September 28, 1917.

to acquaint me with your eminence's letter and to entrust the reply to me.

His Majesty has been following for a considerable time, with high respect and sincere gratitude, his Holiness's efforts in a spirit of true impartiality to alleviate as far as possible the sufferings of the war and to hasten the end of hostilities. The Kaiser sees in the latest step of his Holiness a fresh proof of his noble and humane feelings, and cherishes a lively desire that, for the benefit of the entire world, the Papal appeal may meet with success.

The effort of Pope Benedict XV to pave the way to an understanding among the peoples might the more surely reckon on a sympathetic reception and whole-hearted support from his Majesty seeing that the Kaiser, since taking over the government, has regarded it as his principal and most sacred task to preserve the blessings of peace for the German people and the world.

In his first speech from the throne at the opening of the German Reichstag on June 25, 1888, the Kaiser promised that love of the German Army and his position towards it should never lead him into the temptation to cut short the benefits of peace, unless war was a necessity forced upon us by an attack on the empire or its allies. The German Army should safeguard peace for us, and should peace nevertheless be broken, be in a position to win [fight for] it with honor. The Kaiser has by his acts fulfilled the promise he then made in twenty-six years of happy rule, despite provocations and temptations.

In the crisis which led to the present world conflagration his Majesty's efforts were up to the last moment directed towards settling the conflict by peaceful means. After war had broken out against his wish and desire, the Kaiser, in conjunction with his high allies, was the first solemnly to declare his readiness to enter into peace negotiations. The German people supported his Majesty in his keen desire for peace.

Germany sought within her national frontiers the free development of her spiritual and material possessions, and outside Imperial territory, unhindered competition [communication] with nations enjoying equal rights and equal esteem [privileges]. The free play of forces in the world in a peaceful wrestling with one another would lead to the highest perfecting of the noblest human possessions. The disastrous concatenation of events in the year 1914 abruptly broke off the hopeful course of development, and transformed Europe into a bloody battle arena.

Appreciating the importance of the declaration of his Holiness, the Imperial Government has not failed to submit the suggestions contained in it to earnest and scrupulous examination. The special measures which the government has taken, in the closest contact with the representatives of the German people, to discuss and answer the questions raised prove how earnestly it desires, in accordance with the desire of his Holiness and with the peace resolution adopted by the Reichstag on July 19, to find a practical basis for a just and lasting peace.

The Imperial Government welcomes with special sympathy the leading idea of the peace appeal, in which his Holiness clearly expresses his conviction that in the future the material power of arms must be superseded by the moral power of right. We also are convinced that the sick body of human society can only be healed by the fortifying moral strength of right. From this would follow, according to the view of his Holiness, the simultaneous diminution of the armed forces of all states and the institution of obligatory [binding] arbitration in international disputes.

We share the view of his Holiness that definite rules and certain safeguards for the simultaneous and reciprocal limitation of armaments on land and sea and in the air, as well as for the true freedom and community of the high seas [constitute the subjects for discussion between the states] are the things in treating which the new spirit that in future should prevail in international relations, should find its first hopeful expression. The task would then of itself arise of deciding international differences of opinion, not by the use of armed forces but by peaceful methods, especially by arbitration, the great peace-producing effect of which we, together with his Holiness, fully recognize. The Imperial Government will, in this respect, support every proposal which is compatible with the vital interests of the German Empire and people.

Germany, owing to her geographical situation and her economic requirements, has to rely on peaceful intercourse with her neighbors and distant countries. No people, therefore, has more reason than the German people to wish that, instead of universal hatred and battle, a conciliatory and fraternal spirit should prevail between the nations. If the nations are guided by this spirit it will be recognized to their advantage that the important thing is to lay more stress upon what unites them than upon what separates them in their relations. They will also succeed in settling individual points of conflict which are still undecided, in such a way that conditions of existence will be created

which will be satisfactory to every nation, and thereby a repetition of the great world catastrophe would appear to be impossible.

Only on this condition can a lasting peace be founded which will promote an intellectual *rapprochement* and a return to the economic prosperity of human society. This serious and sincere conviction encourages our confidence that our enemies also may see a suitable basis in the ideas submitted by his Holiness for approaching nearer to the preparation of the future peace under conditions corresponding to the spirit of reasonableness, and to the situation in Europe.

[The document is signed by the Imperial Chancellor, and is addressed to Cardinal Gasparri.]

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REPLY OF AUSTRIA-HUNGARY TO THE POPE'S PEACE APPEAL<sup>1</sup>

Vienna, *September 21, 1917*

HOLY FATHER,

With due veneration and deep emotion we take cognizance of the new representations which your Holiness, in fulfillment of the holy office entrusted to you by God, makes to us and the heads of the other belligerent states with the noble intention of leading the heavily-tried nations to a unity that will restore peace to them.

With a thankful heart we receive this fresh gift of fatherly care which you, holy father, always bestow on all peoples without distinction, and from the depth of our heart we greet the moving exhortation which your Holiness has addressed to the governments of the belligerent peoples. During this cruel war we have always looked up to your Holiness as to the highest personage, who, in virtue of his mission which reaches beyond earthly things, and thanks to the high conception of his duties laid upon him, stands high above the belligerent peoples and who, inaccessible to all influence, was able to find a way which may lead to the realization of our own desire for peace, lasting and honorable for all parties.

Since ascending the throne of our ancestors and fully conscious of the responsibility which we bear before God and men for the fate of the Austro-Hungarian Monarchy, we have never lost sight of the high aim of restoring to our peoples as speedily as possible the blessings of peace. Soon after our accession to the throne it was vouchsafed to us, in common with our allies, to undertake a step which had been considered and prepared by our exalted predecessor, Francis Joseph, to pave the way for a lasting and honorable peace.

<sup>1</sup> *New York Times*, September 22, 1917.

We gave expression to this desire in a speech from the throne delivered at the opening of the Austrian Reichstag, thereby showing that we are striving after a peace that shall free the future life of the nation from rancor and a thirst for revenge and that shall secure them for generations to come from the employment of armed forces.

Our joint government has in the meantime not failed in repeated and emphatic declarations, which could be heard by all the world, to give expression to our own will and that of the Austro-Hungarian peoples to prepare an end to bloodshed by a peace such as your Holiness has in mind.

Happy in the thought that our desires from the first were directed toward the same object which your Holiness to-day characterizes as one we should strive for, we have taken into close consideration the concrete and practical suggestions of your Holiness and have come to the following conclusions:

With deep-rooted conviction we agree to the leading idea of your Holiness that the future arrangement of the world must be based on the elimination of armed forces and on the moral force of right and on the rule of international justice and legality.

We, too, are imbued with the hope that a strengthening of the sense of right would morally regenerate humanity. We support, therefore, your Holiness' view that the negotiations between the belligerents should and could lead to an understanding by which, with the creation of appropriate guarantees, armaments on land and sea and in the air might be reduced simultaneously, reciprocally and gradually to a fixed limit, and whereby the high seas, which rightly belong to all the nations of the earth, may be freed from domination or paramountcy, and be opened equally for the use of all.

Fully conscious of the importance of the promotion of peace on the method proposed by your Holiness, namely, to submit international disputes to compulsory arbitration, we are also prepared to enter into negotiations regarding this proposal.

If, as we most heartily desire, agreements should be arrived at between the belligerents which would realize this sublime idea and thereby give security to the Austro-Hungarian Monarchy for its unhampered future development, it can then not be difficult to find a satisfactory solution of the other questions which still remain to be settled between the belligerents in a spirit of justice and of a reasonable consideration of the conditions for existence of both parties.

If the nations of the earth were to enter, with a desire for peace,

into negotiations with one another in the sense of your Holiness' proposals, then peace could blossom forth from them.

The nations could attain complete freedom of movement on the high seas, heavy material burdens could be taken from them and new sources of prosperity opened to them.

Guided by a spirit of moderation and conciliation, we see in the proposals of your Holiness a suitable basis for initiating negotiations with a view to preparing a peace, just to all and lasting, and we earnestly hope our present enemies may be animated by the same ideas. In this spirit we beg that the Almighty may bless the work of peace begun by your Holiness.

---

EXECUTIVE ORDER OF THE URUGUAYAN GOVERNMENT REGARDING  
THE TREATMENT OF AMERICAN NATIONS AT WAR<sup>1</sup>

Considering that, in various communications, the Government of Uruguay has proclaimed the principle of American solidarity as the criterion of its international policy, understanding that the grievance against the rights of one country of the continent would be considered as a grievance by all and provoke them to uniform and common reaction; second, that, in the hope of seeing an agreement in this respect realized between the nations of America which may make the practical and efficient application of such ideals possible, the Government has adopted a watchful attitude with reference to its action, although it has signified in each case its sympathy with the continental nations which have seen themselves obliged to abandon their neutrality. Considering that as long as such an agreement is not made, Uruguay, without acting contrary to its sentiments and convictions, could not treat the American nations, which in defense of their own rights find themselves compromised in an intercontinental war, as belligerents; and considering that this criterion is shared by the honorable Senate, the President of the Republic, at a general Cabinet meeting, decrees: First, to order that no American country, which in defense of its own rights should find itself in a state of war with nations of other continents, will be treated as belligerents; second, that it is ordered that existing decrees which may be in opposition to this resolution are to remain without fulfillment; third, let it be communicated, published, and so forth.

(Signed)

VIERA, *President.*

<sup>1</sup> *Official Bulletin*, Washington, June 20, 1917.





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# **SUPPLEMENT**

TO THE

## **American Journal of International Law**

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### **DIPLOMATIC CORRESPONDENCE BETWEEN THE UNITED STATES AND BELLIGERENT GOVERNMENTS RELATING TO NEUTRAL RIGHTS AND COMMERCE**

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**NOTE—This Supplement is separately paged and sewed, in order that these original texts may be bound by themselves. The index to this volume includes also the Special Supplements for July, 1915, and October, 1916.**

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*Maritime Danger Zones and Mine Areas*

	Ambassador Gerard to the Secretary of State (telegram).	1914. Aug. 7	Reports he is informed by German Foreign Office that German ports are strewn with mines and it is requested that warning be given shippers against navigating in ports which foreign forces might use as bases.	4
	Memorandum from the British Embassy.	Aug. 11	Communicates telegram he received from his Government informing him that the Germans had indiscriminately mined the North Sea and that in self-defense the British Admiralty will adopt measures that will make navigation even more perilous.	4
	Memorandum to the British Embassy.	Aug. 13	The Department, replying to the British memorandum, states that the reported act of Germany is in disregard of article 1 of The Hague Convention, and sees no reason why, as a defensive measure, Great Britain should adopt a similar course.	5
	Memorandum from the British Embassy.	Aug. 14	Communicates telegram from the British Government in	6

*Maritime Danger Zones and Mine Areas—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1914.		
	Memorandum from the British Embassy.	Aug. 19	<p>which they state they will try to indicate certain routes and channels for trade to pass to the Scheldt.</p> <p>Points out that if Great Britain refrains from adopting the methods of Germany in mining North Sea, the result is that Germany receives impunity unless the neutral Powers can find some means of making Germany feel that she can not continue to receive trade and supplies through neutral shipping.</p>	6
	Memorandum from the British Embassy.	Aug. 23	Quotes telegram from British Foreign Office warning against German mines in the North Sea and stating that the British Admiralty have not so far laid any mines during the present war.	7
	Memorandum from the British Embassy.	Aug. 30	Quotes text of telegram from Sir E. Grey stating that an Iceland trawler was reported to have struck a mine 25 miles off the Tyne and sunk, and stating that no British mines have been laid.	8
	The German Ambassador to the Secretary of State.	Sept. 10	States no German port is blockaded and nothing stands in the way of neutral states' sea trade with Germany. Denies British reports that North Sea has been infested with mines by Germany.	9

*Maritime Danger Zones and Mine Areas—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1914.		
476	Ambassador W. H. Page to the Secretary of State.	Sept. 28	Transmits a protest made by the British Government against the methods pursued by the German Navy in laying mines in the North Sea.	9
	Memorandum from the British Embassy.	Oct. 2	Notification of British mine area in North Sea.	11
704	Ambassador Herrick to the Secretary of State.	Oct. 9	Incloses copy in translation, together with its inclosure, of a note from the Minister for Foreign Affairs, giving the text of notice relative to the use of submarine mines in the Adriatic Sea.	12
	Ambassador W. H. Page to the Secretary of State (telegram).	Oct. 28	States that a German mine field has been discovered off the north coast of Ireland and the British Admiralty warns shipping not to pass within 60 miles of Tory Island.	13
	Ambassador W. H. Page to the Secretary of State (telegram).	Nov. 2	Reports Sir Edward Grey informs him mine fields north of Ireland were laid by Germans.	14
375	The British Ambassador to the Secretary of State.	Nov. 3	Incloses copy of a telegram received from the British Secretary of State for Foreign Affairs in which notice is given that the whole of the North Sea must be considered a military area.	14
	Ambassador Marye to the Secretary of State (telegram).	Nov. 5	Reports official notification by Russian Government of mined zone.	16
261	Ambassador Gerard to the Secretary of State.	Nov. 13	Incloses German reply to the British protest against the laying of German mines.	16

*Maritime Danger Zones and Mine Areas—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
271	Ambassador Gerard to the Secretary of State.	1914. Nov. 17	Transmits copy in translation of a communication received from Imperial Foreign Office, Nov. 14, 1914, relative to regulations for navigation in the German Bay of the North Sea.	19
	The Secretary of State to Ambassador Gerard.	Dec. 8	States that a copy of reply of German Government to protest of British Government against the laying of German mines has been forwarded to American Ambassador at London for transmission to British Foreign Office.	20
	Consul General Skinner to the Secretary of State.	Dec. 11	Incloses copy of a circular received from British Admiralty regarding the navigation of the North Sea and English Channel.	21
J. No. A869	The German Ambassador to the Secretary of State.	1915. Feb. 6	Transmits warning that Germany will resist the shipment of forces and implements by Great Britain to France with every war means at its command.	23
	Consul General Skinner to the Secretary of State (telegram).	Feb. 27	Mariners warned navigation entirely forbidden to all ships of described area in Irish Channel.	24
615	Ambassador Gerard to the Secretary of State.	Mar. 2	Incloses copy in translation of a note verbale received from the Imperial Foreign Office Feb. 28, 1915, relative to the extent of the war area proclaimed by the German Admiralty.	24

*Maritime Danger Zones and Mine Areas—Continued.*

No.	From and to whom.	Date.	Subject.	
	Consul General Skinner to the Secretary of State (telegram).	1915. Mar. 6	Telegraphs with reference to a warning issued by the British Admiralty for vessels navigating between Great Yarmouth and the English Channel.	25
	Consul General Skinner to the Secretary of State (telegram).	May 17	States Admiralty cancels notice on navigation North Sea dated Nov. 30, 1914. Masters strongly urged to obtain latest notices before sailing from British ports. Gives principal mined areas as far as known.	26
	Consul General Skinner to the Secretary of State.	May 19	Incloses copy of British Admiralty notice relating to navigation in the North Sea and British home waters.	27
	The Secretary of State to Ambassador W. H. Page (telegram).	May 20	States the Department does not fully understand the intention and effect underlying the regulations of Admiralty in canceling notice on navigation in North Sea of Nov. 30, 1914, cabled by Skinner May 17. Instructs Mr. Page to make report on subject.	29
	Ambassador W. H. Page to the Secretary of State (telegram).	June 5	Transmits reply of British Foreign Office to inquiry of Ambassador Page as to Admiralty announcement canceling notice on navigation in North Sea of Nov. 30, 1914.	30
1721	The Secretary of State ad interim to Ambassador W. H. Page (telegram).	June 16	States that the Department's inquiry is not fully answered by the note of British Foreign Office, and	30

*Maritime Danger Zones and Mine Areas—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Consul General Skinner to the Secretary of State (telegram).	June 23	directs Mr. Page to secure further explanation. Informs Department of notice to mariners issued by British Admiralty.	31
2517	Ambassador W. H. Page to the Secretary of State (telegram).	July 23	Quotes note from Foreign Office, July 22, which states that neutral merchant vessels must apply through their diplomatic representative for special directions of the Admiralty as to the north-about route.	31
1908	The Secretary of State to Ambassador W. H. Page (telegram).	July 26	States Department understands requirement in Admiralty notice of May 15 that neutral vessels bound to North 'Sea by north-about route must obtain from Admiralty special directions, applies only to vessels sailing from British ports and not from American or neutral ports. Report whether this understanding is correct.	32
	Ambassador W. H. Page to the Secretary of State (telegram).	Aug. 17	Quotes note from Sir E. Grey relating to neutral vessels passing north-about from one neutral port to another.	32
	Consul General Skinner to the Secretary of State (telegram).	Sept. 3	Reports Admiralty Order 764 regarding navigation in Straits of Dover between Varne Shoal and Folkestone.	33
		1916.		
	Ambassador W. H. Page to the Secretary of State (telegram).	May 2	Quotes circular note from Foreign Office, May 1, 1916, announcing extension of British mine field off Belgian coast.	33



*Maritime Danger Zones and Mine Areas—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
193	Ambassador W. H. Page to the Secretary of State (telegram).	1916. May 29	States Foreign Office informed him May 27 that eastern limit of danger area of British mine field off Belgian coast should be defined as the meridian of 3° 18' east instead of 3° 20' east as previously notified.	34
	The British Ambassador to the Secretary of State.	July 1	Transmits copy of an Admiralty notice to mariners, relative to certain mined areas in North Sea.	34
	Ambassador W. H. Page to the Secretary of State (telegram).	1917. Jan. 25	British notification of mine area in the North Sea.	36
	Ambassador W. H. Page to the Secretary of State (telegram).	Feb. 15	British revised notification of dangerous area in the North Sea.	36
1485	The Secretary of State to the British Ambassador.	Feb. 19	States that the Government of the United States, for the protection of American interests, reserves generally all of its rights in the question of appropriating certain portions of the high seas for military operations, to the exclusion of the use of the hostile area as a common highway of commerce.	38
	Ambassador W. H. Page to the Secretary of State (telegram).	Mar. 23	British notification of dangerous area in the North Sea.	38
	The Minister of Switzerland in charge of German interests in America, to the Secretary of State.	Mar. 23	Informs Department that the German Government gave notice of an extension of the submarine blockade to the waters of the Arctic Ocean.	39

*Maritime Danger Zones and Mine Areas—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
	The Minister of Switzerland in charge of German interests in America, to the Secretary of State.	1917. Mar. 24	Informs Department of receipt of telegram completing the German Government's notice of the blockade of the Arctic Ocean.	40
	Minister Egan to the Secretary of State (telegram).	Apr. 8	Quotes German warning to mariners published by Foreign Office Aug. 8, 1914.	40
	Consul General Skinner to the Secretary of State (telegram).	Apr. 27	Reports notice issued by British Admiralty extending dangerous area in the North Sea.	40

## PART III

*Restraints on Commerce*

5021	Ambassador W. H. Page to the Secretary of State.	1916. Oct. 12	Transmits copy of a note received from British Foreign Office concerning the Trading with the Enemy Act.	42
3475	Consul General Skinner to the Secretary of State (telegram).	1917. Jan. 17	Transmits text of British Order in Council of Jan. 10, 1917, amending the Order of Mar. 11, 1915.	49
	Consul General Skinner to the Secretary of State (telegram).	Feb. 22	Quotes British Proclamation of Feb. 16, 1917, modifying Order in Council of Mar. 11, 1915.	50

## PART IV

*Submarine Warfare*

## Germany.

*Cases of the "Evelyn" and "Carib."*

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
1657	Ambassador Gerard to the Secretary of State (telegram).	Feb. 22	States it is reported by Consular Agent at Bremerhaven that vessel <i>Evelyn</i> was sunk by a mine Feb. 20 between Norderney and the Isle of Borkum.	52
1659	Ambassador Gerard to the Secretary of State (telegram).	Feb. 22	Reports sinking of steamer <i>Evelyn</i> by mines.	52
1687	Ambassador Gerard to the Secretary of State (telegram).	Feb. 25	States Consular Agent, Bremerhaven, reports <i>Carib</i> sunk by mine Feb. 22. Three of crew lost.	53
1685	Ambassador Gerard to the Secretary of State (telegram).	Feb. 25	States that Commander Gherardi has been informed that vessel <i>Evelyn</i> sank in latitude 53° 52' north, longitude 6° 7' east.	53
80	The British Ambassador to the Secretary of State (telegram).	Feb. 25	Informs him that the British Naval Officer who boarded the <i>Evelyn</i> gave no instructions of any kind to the Master of that vessel.	53
J. No. 3517	The German Ambassador to the Secretary of State.	Mar. 1	States that the American vessels <i>Evelyn</i> and <i>Carib</i> were lost in North Sea because, contrary to directions given in the <i>Nachrichten für Seefahrer</i> , they ran along the East Frisian Islands by direction of a British warship.	54
1728	Ambassador Gerard to the Secretary of State.	Mar. 2	Reports that statements obtained by Naval Attaché	54

*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
304	Consul Fee to the Secretary of State.	Mar. 4	Gherardi from captains of the vessels <i>Evelyn</i> and <i>Carib</i> show that both vessels were sunk by mines and the British gave no false directions as reported. Incloses the reports under oath of captain and officers of the American steamer <i>Carib</i> .	55
J. Nr. B 4884	The German Ambassador to the Secretary of State.	Mar. 26	States that investigation of <i>Evelyn</i> and <i>Carib</i> casualties show that the vessels had on board Dutch, not German pilots. Those pilots according to inquiries made are not competent to navigate German waters. Repeats the course recommended in the <i>Nachrichten für Seefahrer</i> No. 3161/14, north around Scotland to the guiding buoys of Lister Tief offers the least danger.	70
661	Ambassador Gerard to the Secretary of State.	Apr. 12	Incloses translation of a note received from German Foreign Office relative to the sinking of the American vessels <i>Evelyn</i> and <i>Carib</i> .	73

*Case of the "Greenbriar."*

	Consul General Listoe to the Secretary of State (telegram).	Apr. 3	States Consul Fee, Bremen, reports steamship <i>Greenbriar</i> sunk Apr. 2, apparently mine explosion near North Friesian Island Amrum.	74
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*Submarine Warfare—Continued.**Case of the "Gulflight."*

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Consul Stephens to the Secretary of State (telegram).	May 3 <sup>1</sup>	Reports the torpedoing of American steamship <i>Gulflight</i> off Scilly.	74
	The Secretary of State to Ambassador W. H. Page (telegram).	May 3	Instructs him to obtain detailed report of attack on steamship <i>Gulflight</i> and forward Department.	74
	Consul Stephens to the Secretary of State (telegram).	May 3	Reports <i>Gulflight</i> was struck by German torpedo and has been towed into Crow Sound, Scilly, by British patrols. Cargo apparently undamaged.	75
	Consul General Skinner to the Secretary of State (telegram).	May 4	Gives brief statement of <i>Gulflight</i> incident as reported by Boness, second mate of the vessel.	75
2042	Ambassador W. H. Page to the Secretary of State (telegram).	May 4	States British Admiralty has charge of steamship <i>Gulflight</i> but are on the point of turning it over to the salvage company. Also states he has instructed consul at Plymouth to mail depositions of ship's officers and crew.	75
1514	The Secretary of State to Ambassador W. H. Page (telegram).	May 6	Instructs him to ascertain immediately from ship's officers and crew whether <i>Gulflight</i> was under convoy or protection of patrol boats.	76
	Ambassador W. H. Page to the Secretary of State (telegram).	May 7	Reports that Lieut. Towers and Constructor McBride have visited <i>Gulflight</i> , examined ship, and taken sworn depositions of officers. Details of attack given.	76

<sup>1</sup> Received.

*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
	Ambassador Gerard to the Secretary of State (telegram).	1915. May 7	States German Admiralty has as yet no news as to <i>Gulflight</i> .	77
2068	Ambassador W. H. Page to the Secretary of State (telegram).	May 10	Reports it appears that captain of <i>Gulflight</i> complied, without raising any question, with signals of British patrol boats to proceed under their convoy.	78
2095	Ambassador W. H. Page to the Secretary of State (telegram).	May 13	States he is informed by British Government that no mines have been laid anywhere in vicinity of Scilly Islands by British authorities.	78
2105	Ambassador W. H. Page to the Secretary of State (telegram).	May 17	Reports statement by Capt. Smith, of <i>Gulflight</i> , relating to a conversation between Commander of British patrol boat <i>Filey</i> and late Capt. Gunter, of <i>Gulflight</i> , regarding convoy ships.	78

*Case of the "Nebraskan."*

2166	Ambassador W. H. Page to the Secretary of State (telegram).	May 26 <sup>1</sup>	Reports topedoing of American steamship <i>Nebraskan</i> .	79
2172	Ambassador W. H. Page to the Secretary of State (telegram).	May 26	States British Admiralty reports <i>Nebraskan</i> is on way to Liverpool and is being escorted. Also states he is sending Naval Attaché to Liverpool to examine ship.	79
	Consul General Skinner to the Secretary of State (telegram).	May 27	Gives detailed report of the torpedoing of steamer <i>Nebraskan</i> .	79

<sup>1</sup> Received.

*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
	Consul Washington to the Secretary of State (telegram .	1915. May 28	Gives details of the torpedoing of steamship <i>Nelveston</i> and states Lieut. Towers and Constructor McBride are making further examination of steamer.	80
383	Consul Washington to the Secretary of State.	May 28	Reports at length details concerning the <i>Nelveston</i> case.	80
1511	Ambassador W. H. Page to the Secretary of State.	May 28	Incloses detailed report made by Lieut. Towers on the <i>Nelveston</i> case and depositions of three ship's officers made before Consul at Liverpool.	82
	The Secretary of State to Ambassador Gerard (telegram .	June 2	Informes him that evidence supplied thus far regarding American steamship <i>Nelveston</i> indicates she was hit by torpedo and asks him whether report of attack has been received by German Government.	86
1531	Ambassador W. H. Page to the Secretary of State.	June 2	Incloses copy of a supplementary report on the American steamship <i>Nelveston</i> made by Naval Constructor McBride.	87

*Case of the "Vincent."*

Consul Winship to the Secretary of State (telegram .	Sept. 29	Reports destruction of American ship <i>Vincent</i> .	89
Consul General Snodgrass to the Secretary of State (telegram .	Sept. 29	States sailing ship <i>Vincent</i> struck mine, Cape Orlov, Sept. 27. Total loss. Crew saved. Captain and three men injured.	89

*Submarine Warfare—Continued.**Case of the "Helen W. Martin."*

No.	From and to whom.	Date.	Subject.	Page.
3236	Ambassador W. H. Page to the Secretary of State (telegram).	1915. Nov. 19	Gives location where American schooner <i>Helen W. Martin</i> struck mine.	89

*Case of the "Owego."*

	Consul General Listoe to the Secretary of State (telegram).	1916. Aug. 14	States Capt. Barlow, of steamship <i>Owego</i> , reports having been fired at 10 times near Isle of Wight by German submarine.	90
3296	The Secretary of State to Ambassador Gerard (telegram).	Aug. 16	Instructs him to bring <i>Owego</i> incident to attention of Foreign Minister at once and request prompt investigation of case and prompt statement of the findings.	90
3390	The Secretary of State to Ambassador Gerard (telegram).	Sept. 18	Informs him substance of German note of Aug. 26 regarding <i>Owego</i> case has been submitted to ship's owners. Instructs him to address note to German Foreign Minister in reply to his note of Aug. 26.	91
3434	The Secretary of State to Ambassador Gerard (telegram).	Sept. 29	Quotes master's statement of steamship <i>Owego</i> and informs him, if he can see no objection, he is permitted to submit this statement to Foreign Office.	92



*Submarine Warfare—Continued.**Case of the "Sebek."*

No.	From and to whom.	Date.	Subject.	Page.
3809	Chargé Bliss to the Secretary of State.	1916. Oct. 24	Transmits affidavit of John S. Brennan, American citizen, who was a member of crew of the British steamship <i>Sebek</i> , alleged to have been torpedoed by a submarine Oct. 12.	93
3586	The Secretary of State to Chargé Grew (telegram).	Nov. 18	Instructs him to bring cases of <i>Sebek</i> and <i>Delta</i> to attention of German Government in which lives of American citizens have been jeopardized by German submarines and request immediate investigation and report.	94
4702	Chargé Grew to the Secretary of State (telegram).	Dec. 8	Quotes note received from German Foreign Office with regard to the sinking of the <i>Sebek</i> .	95

*Case of the "Barbara."*

313	Consul Lathrop to the Secretary of State.	Nov. 16	Incloses copy of declaration of Alle Dorsey, American citizen, relative to the sinking of the British steamship <i>Barbara</i> .	96
3652	The Secretary of State to Chargé Grew (telegram).	Dec. 9	Instructs him to make request of Foreign Office for prompt investigation of <i>Barbara</i> case and report.	97
4882	Ambassador Gerard to the Secretary of State (telegram).	1917. Jan. 15	Quotes note received from German Foreign Office dated Jan. 14, 1917, relative to the sinking of the English steamship <i>Barbara</i> .	98

*Submarine Warfare—Continued.**Case of the "Rowanmore."*

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
	Consul Frost to the Secretary of State (telegram).	Oct. 28	Reports sinking of the <i>Rowanmore</i> west-southwest of Cape Clear by a German submarine.	98
3530	The Secretary of State to Chargé Grew (telegram).	Oct. 30	Quotes telegram from American Consul at Queens-town reporting the sinking of Furness freighter <i>Rowanmore</i> by German submarine and instructs him to bring matter to attention of German Government for investigation and report as soon as possible.	99
740	Vice Consul Watson to the Secretary of State.	Oct. 30	Confirms cablegram sent to Department relating to sinking of <i>Rowanmore</i> and incloses affidavits of British officer and American member of crew.	100
4639	Chargé Grew to the Secretary of State.	Nov. 21	Incloses copy and translation of note from Imperial Foreign Office, dated Nov. 19, 1916, replying to American Embassy's inquiry in regard to the sinking of the steamer <i>Rowanmore</i> .	103

*Case of the "Lanao."*

	Consul Lathrop to the Secretary of State (telegram).	Nov. 6	Reports Philippine steamer <i>Lanao</i> , of Manila, Saigon to Havre, stopped by German submarine 30 miles off Cape Vincent, Portugal, Oct. 28. Crew re-	105
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*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
3587	The Secretary of State to Ambassador Gerard (telegram).	Nov. 18	moved to submarine, <i>Lenao</i> destroyed by bomb. No injuries, no casualties. <i>Lenao</i> unarmed and flying American flag. Instructs him to bring <i>Lenao</i> case to German Government's immediate attention with request that it be investigated and prompt report made concerning the sinking of an American vessel.	106
4716	Chargé Grew to the Secretary of State (telegram).	Dec. 11	Quotes note received from the German Foreign Office Dec. 9, 1916, relative to the sinking of the <i>Lenao</i> .	106

*Case of the "Marina."*

	Consul McCunn to the Secretary of State (telegram).	Oct. 30	Reports sinking of <i>Marina</i> Oct. 28.	107
	Consul Frost to the Secretary of State (telegram).	Oct. 30	Additional report on the sinking of the <i>Marina</i> . Some American fatalities believed to have occurred.	107
	Consul Frost to the Secretary of State (telegram).	Nov. 1	Reports briefly the substance of the survivors' statements as to the sinking of the <i>Marina</i> . Also that there were 51 Americans aboard, 45 of whom are safe.	108
4555	Chargé Grew to the Secretary of State (telegram).	Nov. 3	Quotes translation of a note received from German Foreign Office Nov. 3, relative to the sinking of the British steamers <i>Rowanmore</i> and <i>Marina</i> by German submarines.	108

*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
4654	Chargé Grew to the Secretary of State (telegram).	Nov. 27	Quotes note dated Nov. 25, 1916, received from German Foreign Office, relative to the sinking of the <i>Marina</i> by a German submarine.	109
4116	The Secretary of State to Ambassador W. H. Page (telegram).	Dec. 2	Informs him of German Government's report on sinking of the vessel <i>Marina</i> and instructs him to ascertain definitely and officially as to whether <i>Marina</i> was in British Government's service at the time of her sinking.	110
5283	Ambassador W. H. Page to the Secretary of State (telegram).	Dec. 6	Quotes note received from Lord Grey relative to the sinking of the <i>Marina</i> .	111
3667	The Secretary of State to Chargé Grew (telegram).	Dec. 12	States United States Government has inquired of British Government concerning status of <i>Marina</i> and Lord Grey in reply states <i>Marina</i> was neither chartered nor requisitioned by British Government at the time of her sinking. Instructs him to bring case to immediate attention of the Minister for Foreign Affairs.	111
5436	Ambassador W. H. Page to the Secretary of State.	Dec. 18	Transmits copy of note from Mr. Balfour dated Dec. 16, relative to the sinking of the <i>Marina</i> .	112
3692	The Secretary of State to Chargé Grew (telegram).	Dec. 20	Informs him that British Minister for Foreign Affairs states British Government were not interested in voyage of <i>Marina</i> at time she was at-	113

*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1916.	tacked. Instructs him to bring foregoing to attention of German Government immediately.	

*Case of the "Delto."*

	Consul General Hurst to the Secretary of State (telegram).	Nov. 7	Reports sinking of Norwegian steamer <i>Delto</i> , Oct. 31, by German submarine 55 miles off Cape Palos, Spain.	114
4791	Ambassador Gerard to the Secretary of State (telegram).	Dec. 27	Quotes note received from German Foreign Office relative to the sinking of the Norwegian ship <i>Delto</i> .	114

*Case of the "Arabia."*

5129	Ambassador W. H. Page to the Secretary of State (telegram).	Nov. 7	Reports topedoing of steamship <i>Arabia</i> in Mediterranean Nov. 6.	115
	Consul Keblinger to the Secretary of State (telegram).	Nov. 10	Reports on statement by Paul R. Danner, American citizen, relative to the sinking of the steamer <i>Arabia</i> .	115
3589	The Secretary of State to Chargé Grew (telegram).	Nov. 18	Refers to the sinking of steamship <i>Arabia</i> without warning by German or Austrian submarine and instructs him to bring this case to attention of German Government; request immediate investigation and make prompt report.	116
4685	Chargé Grew to the Secretary of State (telegram).	Dec. 4	Quotes note received from German Foreign Office Dec. 4, relative to the sinking of the <i>Arabia</i> .	116

*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
2277	Ambassador Penfield to the Secretary of State.	1916. Dec. 8	Transmits copy of note from Imperial and Royal Ministry of Foreign Affairs, Dec. 6, replying to his note relative to the torpedoing of the steamer <i>Arabia</i> .	118
5496	Ambassador W. H. Page to the Secretary of State.	Dec. 22	Transmits copy of note received from British Foreign Office relative to the sinking of the steamship <i>Arabia</i> .	119

*Case of the "Columbian."*

	Consul Foster to the Secretary of State (telegram).	Nov. 11 <sup>1</sup>	States American steamship <i>Columbian</i> sunk by submarine, crew of 108 landed Camarinas.	120
5151	Ambassador W. H. Page to the Secretary of State (telegram).	Nov. 11	Reports sinking of vessel <i>Columbian</i> by submarine 50 miles northwest of Cape Ortegal on Nov. 7.	120
3588	The Secretary of State to Chargé Grew (telegram).	Nov. 18	Instructs him to bring the matter of the sinking of the <i>Columbian</i> to the attention of the German Government for investigation.	120
4863	Chargé Grew to the Secretary of State.	Dec. 18	Incloses note of Dec. 16, 1916, from German Foreign Office reporting investigation by the German naval authorities of the sinking of the <i>Columbian</i> .	121

<sup>1</sup> Received.

*Submarine Warfare—Continued.**Case of the "Trippel."*

No.	From and to whom.	Date.	Subject.	Page.
	Consul General Hurst to the Secretary of State (telegram).	1916. Nov. 15	Reports sinking of Norwegian steamship <i>Trippel</i> by a German submarine.	123
3653	The Secretary of State to Chargé Grew (telegram).	Dec. 9	Instructs him to bring case of Norwegian steamer <i>Trippel</i> to attention of Foreign Minister and request a prompt investigation and report.	124
4865	Ambassador Gerard to the Secretary of State (telegram).	1917. Jan. 11	Quotes note received from German Foreign Office Jan. 11 relative to the sinking of Norwegian steamer <i>Trippel</i> .	124

*Case of the "Lokken."*

5181	Ambassador W. H. Page to the Secretary of State (telegram).	1916. Nov. 20	Quotes telegram from Consul at Liverpool reporting the sinking of Norwegian ship <i>Lokken</i> by submarine, Nov. 11.	125
3654	The Secretary of State to Chargé Grew (telegram).	Dec. 9	Instructs him to bring case of Norwegian ship <i>Lokken</i> to attention of Foreign Minister, request prompt investigation and report.	125
4871	Ambassador Gerard to the Secretary of State (telegram).	1917. Jan. 12	Quotes note received from German Foreign Office relative to the sinking of the Norwegian steamer <i>Lokken</i> .	126

*Submarine Warfare—Continued.**Case of the "Trevarraca."*

No.	From and to whom.	Date.	Subject.	Page.
	Consul Lathrop to the Secretary of State (telegram).	1916. Nov. 20	Reports that two American citizens of British steamship <i>Trevarrick</i> state ship was sunk by two German submarines Nov. 16.	127
3651	The Secretary of State to Chargé Grew (telegram).	Dec. 9	Inform him Department has been advised that British steamship <i>Trevarrick</i> with Americans aboard was sunk Nov. 16 by German submarine. Instructs him to request of Foreign Minister prompt investigation and report.	127
4948	Ambassador Gerard to the Secretary of State (telegram).	1917. Jan. 29	Quotes note received from German Foreign Office Jan. 26 relative to the sinking of the British steamship <i>Trevarrick</i> by a German submarine.	127

*Case of the "Agder."*

Vice Consul Baxter to the Secretary of State (telegram).	1916. Dec. 12	Reports sinking of steamer <i>Agder</i> by gunfire from German submarine.	128
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*Case of the "Rebecca Palmer."*

Consul Washington to the Secretary of State (telegram).	Dec. 22	Reports torpedoing by German submarine of American schooner <i>Rebecca Palmer</i> , Dec. 14, 70 miles west-southwest Fastnet.	128
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*Submarine Warfare—Continued.**Case of the "Russian."*

No.	From and to whom.	Date.	Subject.	Page.
	Consul Keblinger to the Secretary of State (telegram).	1916. Dec. 19	Reports British steamship <i>Russian</i> was struck by what was believed to be a torpedo from submarine Dec. 14, 200 miles east of Malta.	129

*Case of the "Kansan."*

1757	Ambassador Sharp to the Secretary of State (telegram).	Dec. 24	Quotes telegram received from American Consul at Nantes reporting destruction of steamship <i>Kansan</i> .	130
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*Case of the "Sacramento."*

	Consul Lathrop to the Secretary of State (telegram).	1917. Jan. 9	Reports attack upon American steamship <i>Sacramento</i> by submarine believed German, Jan. 6, 2½ miles north Casquets lighthouse, French coast.	131
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*Case of the "Westwego."*

5615	Ambassador W. H. Page to the Secretary of State (telegram).	Feb. 6	States Consul at Liverpool reports German submarine <i>U-45</i> stopped American steamer <i>Westwego</i> , Jan. 21, 50 miles west of Fastnet. Second officer of submarine took ship's papers to submarine; returned in hour reporting that if master <i>Westwego</i> didn't give three barrels lubricating oil submarine would sink ship. Oil was delivered. Have instructed Consul to obtain affidavits and mail them to Department.	131
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*Submarine Warfare—Continued.**Case of the "Housatonic."*

No.	From and to whom.	Date.	Subject.	Page.
	Consul Stephens to the Secretary of State (telegram).	1917. Feb. 4	Reports torpedoing of American steamship <i>Housatonic</i> by a German submarine.	132
	Ambassador W. H. Page to the Secretary of State (telegram).	Feb. 6	Reports statement made by Captain of <i>Housatonic</i> in regard to the sinking.	132

*Case of the "Lyman M. Law."*

	Ambassador T. N. Page to the Secretary of State (telegram).	Feb. 20	Reports Capt. McDonough of the sunk vessel <i>Lyman M. Law</i> states submarine flew a flag but that owing to the great distance the nationality of the flag on submarine could not be distinguished.	133
	Ambassador Penfield to the Secretary of State (telegram).	Feb. 27	Reports the Austrian Minister for Foreign Affairs stated that an Austro-Hungarian submarine did not sink the <i>Lyman M. Law</i> .	134

*Case of the "Laconia."*

	Consul Frost to the Secretary of State (telegram).	Feb. 26	Reports torpedoing of steamship <i>Laconia</i> .	134
	Consul Washington to the Secretary of State (telegram).	Feb. 27	Reports <i>Laconia</i> torpedoed without warning and gives names of two American passengers who died of exposure.	134
305	Consul Frost to the Secretary of State.	Feb. 28	Transmits affidavits of Rev. Joseph Wareing and Robert Gillis, American citizens who survived from <i>Laconia</i> disaster.	135

*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
820	Consul Washington to the Secretary of State.	1917. Mar. 2	Transmits affidavits of Joseph W. Coppin and Gerald L. Kennedy in regard to destruction of steamship <i>Laconia</i> .	137
304	Consul Frost to the Secretary of State.	Mar. 15 <sup>1</sup>	Transmits six affidavits and a sworn memorandum relating to loss of steamship <i>Laconia</i> .	140

*Case of the "Algonquin."*

Consul Stephens to the Secretary of State (telegram).	Mar. 14	Reports sinking of steamship <i>Algonquin</i> by German submarine.	144
Consul Stephens to the Secretary of State (telegram).	Mar. 15	Gives detailed report of the sinking of the steamship <i>Algonquin</i> .	145

*Case of the "Vigilancia."*

Consul Stephens to the Secretary of State (telegram).	Mar. 21	Reports details of the sinking of the steamer <i>Vigilancia</i> .	145
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*Case of the "Illinois."*

Consul General Skinner to the Secretary of State (telegram).	Mar. 19	Reports sinking of American tanker <i>Illinois</i> .	146
Consul Swalm to the Secretary of State (telegram).	Mar. 23	Reports details of the sinking of American steamship <i>Illinois</i> by a German submarine.	147

<sup>1</sup> Received.

*Submarine Warfare—Continued.**Case of the "City of Memphis."*

No.	From and to whom.	Date.	Subject.	Page.
	Consul Frost to the Secretary of State (telegram).	1917. Mar. 18	Reports the sinking of American steamship <i>City of Memphis</i> by a German submarine.	146
	Consul Frost to the Secretary of State (telegram).	Mar. 18	Gives details of sinking of steamship <i>City of Memphis</i> together with names of survivors.	147
	Consul Frost to the Secretary of State (telegram).	Mar. 18	States 33 survivors <i>City of Memphis</i> do not include Capt. L. P. Borum and four other Americans and four non-Americans but indications are that these are safe on board some vessel which has no wireless.	147
	Consul McCunn to the Secretary of State (telegram).	Mar. 20	States Capt. Borum with eight members of crew of <i>City of Memphis</i> arrived Glasgow Mar. 20. Statements by captain reported.	148

*Case of the "Healdton."*

Consul Mahin to the Secretary of State (telegram).	Mar. 22	Reports sinking of Standard Oil ship <i>Healdton</i> .	149
Consul Mahin to the Secretary of State (telegram).	Mar. 23	Gives details of the sinking of the vessel <i>Healdton</i> .	149
Vice Consul Krogh to the Secretary of State (telegram).	Mar. 24	Reports statement made by Capt. Charles Christopher in regard to the sinking of the <i>Healdton</i> .	150

*Submarine Warfare—Continued**Case of the "Arctar."*

No.	From and to whom.	Date.	Subject.	Page.
		1917.		
	Consular Agent Pizzi to the Secretary of State (telegram).	Apr. 3	Reports sinking of Arctar	152
1940	Ambassador Sharp to the Secretary of State (telegram).	Apr. 3	States Foreign Office has informed him that the American steamer Arctar has been torpedoed and 25 persons are missing. Foreign office has not been informed of names of survivors.	152
1974	Ambassador Sharp to the Secretary of State (telegram).	Apr. 4	Gives detailed report of Capt. O'Brien regarding the sinking of the steamship Arctar.	153

*Case of the "Missourian."*

	Consul General Wilber to the Secretary of State (telegram).	Apr. 5 <sup>1</sup>	Quotes telegram from master of the vessel reporting the sinking of American steamship Missourian without warning by submarine.	154
	Consul General Wilber to the Secretary of State (telegram).	Apr. 5 <sup>1</sup>	Confirms preceding telegram.	154

*Austria-Hungary.**Case of the "Ancona."*

		1915.		
375	The Secretary of State to Ambassador T. N. Page (telegram).	Nov. 10	Instructs him to telegraph facts concerning Ancona and whether any Americans were among passengers.	155

<sup>1</sup> Received.

*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
427	Ambassador T. N. Page to the Secretary of State (telegram).	1915. Nov. 10	States it is reported American passengers lost on <i>Ancona</i> .	155
	Ambassador T. N. Page to the Secretary of State (telegram).	Nov. 10	Gives names of Americans believed lost on <i>Ancona</i> .	155
	Official announcement of the Austro-Hungarian Admiralty.	Nov. 15	Calls attention to falsity of press reports concerning sinking of the <i>Ancona</i> .	155
	Consul White to the Secretary of State.	Dec. 6	Transmits statements and affidavits of survivors of the steamship <i>Ancona</i> .	155

*Case of the "Petrolite."*

71	Consul Mason to the Secretary of State (telegram).	Dec. 10	Reports attack on American steamer <i>Petrolite</i> by submarine flying Austrian flag.	185
	The Secretary of State to Minister Egan (telegram).	1916. Jan. 24	Directs him to obtain statements from officers of American vessel <i>Petrolite</i> upon its arrival at Copenhagen covering details of the stopping of <i>Petrolite</i> in Mediterranean by a submarine.	186
904	Minister Egan to the Secretary of State.	Feb. 2	Transmits copy of statement made by Capt. Thompson, master of <i>Petrolite</i> , together with an attest of Chief Engineer W. H. Corschot, as to amount of damage done ship, and a questionnaire prepared by Legation and signed by the captain.	186
1116	The Secretary of State to Ambassador Penfield (telegram).	Feb. 9	Informs him of statement made by captain of <i>Petrolite</i> , giving details and locality of attack upon steamer.	189

*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
1354	Ambassador Penfield to the Secretary of State.	1915. Feb. 25	Transmits copy with translation of reply from Baron Burian to his note relative to the shelling of <i>Petrolite</i> and the requisitioning of food by a submarine flying Austro-Hungarian flag in the Mediterranean.	190
1788	Ambassador Penfield to the Secretary of State.	July 20	Transmits copy and translation of note from Imperial and Royal Minister for Foreign Affairs of July 17, 1916, stating the Imperial and Royal Government agrees with the Washington Cabinet that in presentation of the <i>Petrolite</i> case contradictions occur in several essential points.	193
1332	The Secretary of State to Ambassador Penfield (telegram).	Aug. 18	Directs him to ascertain whether statement of commander of submarine has been received.	195
4453	The Austro-Hungarian Minister for Foreign Affairs to Ambassador Penfield (telegram).	Sept. 9	States commander of submarine declared under oath that he confirms former exposition of <i>Petrolite</i> case as correct in all particulars, and the statements by crew of steamer deviating therefrom do not conform with the facts.	195

*Case of the "Persia."*

Consul General Skinner to the Secretary of State (telegram).	1916. Jan. 1	States that the Peninsular & Oriental liner <i>Persia</i> has been reported sunk with nearly all on board; Robert McNeely, American consul, on board.	200
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*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
	The Secretary of State to Consul Garrels (telegram).	Jan. 1	Informs him of attack on the <i>Persia</i> and instructs him to report concerning Consul McNeely and other Americans on board.	201
	Consul Garrels to the Secretary of State (telegram).	Jan. 1	Reports facts concerning sinking of the <i>Persia</i> .	201
	Diplomatic Agent Arnold to the Secretary of State (telegram).	Jan. 2	Sinking of the <i>Persia</i> reported.	201
	The Secretary of State to Ambassador Penfield (telegram).	Jan. 3	Instructs him to make immediate inquiry at the Foreign Office concerning the sinking of the <i>Persia</i> .	202
1169	Ambassador Penfield to the Secretary of State.	Jan. 8	Transmits note from Ministry for Foreign Affairs stating that nothing is known to the Royal and Imperial Government concerning circumstances of sinking of the <i>Persia</i> .	202
	Consul Garrels to the Secretary of State.	Jan. 8	Transmits report in regard to the sinking of the Peninsular & Oriental liner <i>Persia</i> .	203
42	Consul Keblinger to the Secretary of State.	Jan. 9	Incloses affidavits of survivors of the British steamer <i>Persia</i> .	205
	Ambassador Gerard to the Secretary of State (telegram).	Jan. 17	Reports having been informed by German Foreign Office that a German submarine did not sink the <i>Persia</i> .	
	Ambassador Penfield to the Secretary of State.	Jan. 22	Transmits note from Foreign Office disclaiming participation of Austrian submarine in sinking of <i>Persia</i> .	210
	The Secretary of State to Chargé Philip (telegram).	Feb. 2	Instructs him to ascertain whether Turkish submarine sank <i>Persia</i> .	211



*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
3073	Ambassador W. H. Page to the Secretary of State.	1916. Feb. 17	Incloses copies of a note dated Feb. 16 from Foreign Office transmitting copies of statements made by officers and others of the steamship <i>Persia</i> .	212
	Chargé Philip to the Secretary of State (telegram).	Mar. 8	Reports receipt of note verbale from Sublime Porte stating that the <i>Persia</i> was not sunk by a submarine flying Turkish flag.	214

*Case of the "Imperator."*

180	Consul General Hurst to the Secretary of State (telegram).	Apr. 14	Reports destruction of the Russian barkentine <i>Imperator</i> by an Austrian submarine.	214
	Consul General Hurst to the Secretary of State.	May 24	Transmits affidavits of Gustave Olson and Einer A. D. Swensson, seamen, regarding the destruction of the <i>Imperator</i> .	215

*Case of the "Chemung."*

1436	Consul Putnam to the Secretary of State (telegram).	Nov. 28	Reports sinking of American steamer <i>Chemung</i> by Austrian submarine 14 miles east Cape de Gata.	218
	Consul Putnam to the Secretary of State (telegram).	Nov. 29	Gives detailed description of the sinking of <i>Chemung</i> . Affidavits of crew being prepared.	219
	The Secretary of State to Ambassador Penfield (telegram).	Dec. 2	Instructs him to bring <i>Chemung</i> case to Foreign Minister's attention and ask for immediate investigation and report upon this sinking of an American vessel.	219

*Submarine Warfare—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
1654	Ambassador Penfield to the Secretary of State (telegram).	1917. Jan. 23	Reports on statements made by Minister for Foreign Affairs and data furnished by Austro-Hungarian naval authorities relative to the sinking of the steamship <i>Chemung</i> .	220

**Miscellaneous List of Vessels Attacked****Warfare between Submarines and Armed Merchant Vessels**

	The Secretary of State to the British Ambassador.	1916. Apr. 22	Request information concerning instructions issued by British Admiralty for armed merchant vessels in the event of meeting submarines. Incloses alleged copies of such instructions which have been formerly transmitted to this Government by the German Government.	225
111	The British Ambassador to the Secretary of State.	Apr. 25	States that the instructions of Oct. 20 for the guidance of British sea captains contain the orders at present in force.	225
	The British Ambassador to the Secretary of State.	Apr. 28	Incloses copy of the Admiralty Instructions for armed merchant ships of Oct. 20, 1915.	226
	Memorandum from the British Embassy.	June 5	States that Admiralty Instructions of Oct. 20, 1915, enjoin a strict adherence to defensive action only, and no question of the infliction of any penalty for failure to take offensive action can therefore arise.	228

## PART V

*Passage of British Troops over American Territory.*

No.	From and to whom.	Date.	Subject.	Page.
	The British Ambassador to the Secretary of State.	1915. Dec. 20	Suggests that certain classes of Canadian soldiers returning from Europe be permitted to pass through the State of Maine to points in Canada.	229
	The Secretary of State to the British Ambassador.	Dec. 23	Refuses to permit passage of Canadian soldiers over United States territory.	230

## PART VI

*Display by Naval Vessels of Distinguishing Marks on the High Seas.*

J. No. A 7824	The German Ambassador to the Secretary of State.	Dec. 1	Makes request that orders be issued to commanding officers of American warships in Mediterranean to display national flag so that they may be distinguished from enemy warships.	231
1692	The Secretary of State to the German Ambassador.	Dec. 10	Transmits copy of a communication from the Secretary of the Navy, indicating reasons why Navy Department must decline to issue the orders suggested by Imperial Government.	231
2298	Ambassador Gerard to the Secretary of State.	1916. Jan. 24	Transmits note from German Secretary for Foreign Affairs relating to Germany's suggestion to United States Government that American warships in Mediterranean bear distinguishing marks.	233

## PART VII

*American Prisoners of War Taken to Germany on German Prize Ship "Yarrowdale."*

No.	From and to whom.	Date.	Subject.	Page.
4909	Ambassador Gerard to the Secretary of State (telegram).	1917. Jan. 19	Reports that English steamship <i>Yarrowdale</i> has been brought to Swinemunde as a prize, having on board 469 prisoners, among whom were 103 neutrals.	236
3809	The Secretary of State to Ambassador Gerard (telegram).	Jan. 22	Inquires of him whether there were any American citizens among prisoners brought by the <i>Yarrowdale</i> to Swinemunde, and, if so, to give their names and American addresses.	236
4919	Ambassador Gerard to the Secretary of State (telegram).	Jan. 24	Reports he had sent note to German Foreign Office Jan. 20 asking information as to whether there were any Americans among prisoners brought to Swinemunde. No answer having been received, he was sending another note.	237
4929	Ambassador Gerard to the Secretary of State (telegram).	Jan. 26	Reports that a correspondent there had ascertained from Under Secretary of State that there were some Americans among the 107 neutrals brought by the <i>Yarrowdale</i> to Swinemunde, and also that there was an acrimonious divergence of opinion as to what position Government should assume regarding them.	237

*American Prisoners of War Taken to Germany—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
4949	Ambassador Gerard to the Secretary of State (telegram).	1917. Jan. 30	Quotes note received from German Foreign Office Jan. 28, stating there were a number of American citizens among crews of the sunk armed English merchantmen <i>Voltaire</i> , <i>Mount Temple</i> , and <i>Georgic</i> brought to Swinemunde with the prize <i>Yarrowdale</i> and thereupon taken away as prisoners of war.	237
4978	Ambassador Gerard to the Secretary of State (telegram).	Feb. 1	Gives names obtained from German Foreign Office of persons from crews of the sunk armed English merchantmen <i>Georgic</i> , <i>Mount Temple</i> , and <i>Voltaire</i> , who claim to be American citizens.	238
4992	Ambassador Gerard to the Secretary of State (telegram).	Feb. 4	Reports he has been informed by Count Montgelas of the Foreign Office that the American prisoners taken on the <i>Yarrowdale</i> will be released at once.	239
	Consul General Skinner to the Secretary of State (telegram).	Feb. 5	Reports arrival of two American citizens in London having been sailors on British steamship <i>Yarrowdale</i> , captured, taken prisoners in Germany with 85 other American citizens.	239
3650	Consul General Skinner to the Secretary of State.	Feb. 6	Incloses copy of a declaration made by Charles David Green and Charles Quinn, members of the crew of the steamship <i>Yarrowdale</i> .	240

*American Prisoners of War Taken to Germany—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
	The Minister of Switzerland in charge of German interests in America to the Secretary of State.	1917. Feb. 12	Transmits communication from German Government stating the release of about 70 Americans brought in as prisoners of war by steamship <i>Yarrowdale</i> is conditional to the German vessels in American waters not being seized and their crews not being interned.	242
355	Ambassador Willard to the Secretary of State (telegram).	Feb. 17	Reports he has been informed officially that American prisoners brought in by <i>Yarrowdale</i> and such other non-belligerents would be set at liberty within a very short time.	242
269	The Secretary of State to Ambassador Willard (telegram).	Feb. 20	Instructs him to transmit to Spanish Ambassador at Berlin a formal demand for the immediate release of the <i>Yarrowdale</i> prisoners.	242
370	Ambassador Willard to the Secretary of State (telegram).	Feb. 25	Reports he has been informed by Foreign Office that the <i>Yarrowdale</i> prisoners had been released on the 16th.	243
290	The Secretary of State to Ambassador Willard (telegram).	Feb. 27	Instructs him to request Foreign Office to instruct Spanish Ambassador at Berlin to telegraph Department full report as regards <i>Yarrowdale</i> prisoners.	243
386	Ambassador Willard to the Secretary of State (telegram).	Mar. 2	Reports receipt of telegram from Spanish Ambassador at Berlin which confirmed report that <i>Yarrowdale</i> prisoners had been released Feb. 16 and were	244

*American Prisoners of War Taken to Germany—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1917.	making preparations to leave Germany when an English member of crew contracted typhus.	
	The Minister of Switzerland in charge of German interests in America to the Secretary of State.	Mar. 2	Communicates cable of Mar. 1 from German Government, stating the transfer of American sailors from <i>Yarrowdale</i> to frontier has not as yet been possible because one of the British sailors in camp was found to be suffering from typhus exanthematicus. Their transfer to Swiss frontier will probably take place Mar. 7, when quarantine comes to an end.	244
481	Minister Egan to the Secretary of State (telegram).	Mar. 3	Reports arrival in Copenhagen of American medical officers released from prison camp at Karlsruhe, Germany. Gives names of vessels captured and disposition of officers and crews.	245
399	Ambassador Willard to the Secretary of State (telegram).	Mar. 7	Reports statement by the doctor of the Spanish Embassy at Berlin concerning condition of the <i>Yarrowdale</i> prisoners.	246
408	Ambassador Willard to the Secretary of State (telegram).	Mar. 12	Departure of 59 American prisoners from Germany via Sweden reported.	246
636	Minister Stovall to the Secretary of State (telegram).	Mar. 12	States 59 American prisoners from <i>Yarrowdale</i> arrived in Zurich Mar. 11.	247
650	Minister Stovall to the Secretary of State (telegram).	Mar. 16	Informs Department of receipt of report from Consul General at Zurich that no complaint was made by	247

*American Prisoners of War Taken to Germany—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1917.	men of <i>Yarrowdale</i> of their treatment while on high seas or in camp near Swinemunde, but after transfer to Brandenburg their treatment by officers was harsh.	
656	Minister Stovall to the Secretary of State (telegram).	Mar. 18	Reports having personally conversed with the crews on board <i>Yarrowdale</i> as to the treatment received by them and submits supplementary report.	247
425	Ambassador Willard to the Secretary of State (telegram).	Mar. 18	States Harlington, last American citizen of <i>Yarrowdale</i> prisoners, left for Denmark by <i>Warnemunde</i> Mar. 12.	248
	Consul General Hurst to the Secretary of State (telegram).	Apr. 28	States remaining 26 members of <i>Yarrowdale</i> crew and 8 officers of the captured American steamer <i>Seward</i> sailed from Barcelona Apr. 27 on steamship <i>Alicante</i> , due in New York about May 14.	248

## PART VIII

*Deportation of Civilians from Belgium.*

		1916.		
4452	Chargé Grew to the Secretary of State (telegram).	Oct. 10	Reports action of German military authorities in demanding lists of unemployed Belgians.	249
3497	The Acting Secretary of State to Chargé Grew (telegram).	Oct. 19	Informs him, if he should deem it advisable, he may draw to Foreign Minister's attention, informally and orally, the action of German military authorities in Belgium.	249



*Deportation of Civilians from Belgium—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
4511	Chargé Grew to the Secretary of State (telegram).	1916. Oct. 23	States he has brought, informally and orally, to attention of Under Secretary of State for Foreign Affairs question of Belgian laborers.	250
4535	Chargé Grew to the Secretary of State (telegram).	Oct. 27	Reports he sought a further interview with the German Under Secretary for Foreign Affairs regarding the enforcement of labor on Belgian citizens and pointed out that this action, as it involved a definite breach of international law would make a very bad impression abroad.	250
3539	The Secretary of State to Chargé Grew (telegram).	Nov. 2	Authorizes him to make request for an interview with the Chancellor in regard to Belgian deportations and point out the unfortunate impression which would be created by the proposed policy in neutral countries.	251
	The Secretary of State to Chargé Grew (telegram).	Nov. 29	Instructs him to obtain an interview with the German Chancellor and repeat that the United States Government has learned of Germany's intention to deport from Belgium a portion of the civilian population for the purpose of forcing them to labor in Germany and is constrained to protest in a friendly spirit, but most solemnly, against this action.	251

*Deportation of Civilians from Belgium—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
	Chargé Grew to the Secretary of State (telegram).	Dec. 11	Transmits the German Government's reply to the formal representations of the United States concerning the deportation of Belgians.	252
4756	Chargé Grew to the Secretary of State (telegram).	Dec. 20	Quotes note from German Foreign Office of Dec. 18, which states that a number of the deported Belgian workmen had been returned to Belgium.	254
4913	Chargé Grew to the Secretary of State.	Dec. 21	Transmits copy of order issued by Governor General of Belgium May 15, 1916, regarding unemployed Belgian citizens.	254
		1917.		
5397	Ambassador W. H. Page to the Secretary of State (telegram).	Jan. 2	Quotes statement received from Mr. Hoover saying there has been no change in German policy since the President's protest and that deportation continues on a large scale.	256
	Minister Whitlock to the Secretary of State (telegram).	Jan. 2	Reports that it is difficult to obtain information that is accurate regarding deportations, because facilities for communication are lacking in Belgium.	257
J. No. A 131	The German Ambassador to the Secretary of State.	Jan. 8	Incloses memorial sent by German Government on the employment of Belgian laborers in Germany, refuting the false statements of Germany's enemies.	258
491	Minister Whitlock to the Secretary of State.	Jan. 16	Reports at length on the deportation of Belgian workmen.	262
429	Minister Whitlock to the Secretary of State.	Jan. 17	States that summonses to appear for examination	268

*Deportation of Civilians from Belgium—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1917.	are being sent out by German authorities directing the men to appear Jan. 20, at the Gare du Midi.	

## PART IX.

*Withdrawal of the American Minister from Belgium.*

	Statement given to the press.	Mar. 24	Reviews facts leading up to the withdrawal of Minister Whitlock from Belgium.	270
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## PART X.

*Peace Overtures of the Central Powers and Reply of Entente Powers.*

	Chargé Grew to the Secretary of State (telegram).	1916. Dec. 12	Transmits official French translation of the peace communication as handed to him by Chancellor von Bethmann-Hollweg on Dec. 12.	272
	Ambassador Elkus to the Secretary of State (telegram).	Dec. 12	Transmits note from Turkish Minister for Foreign Affairs proposing peace negotiations.	273
184	Chargé Warfield to the Secretary of State.	Dec. 15	Transmits copy and translation of a note verbale handed to him in person by the Bulgarian Prime Minister on Dec. 12, proposing to enter into negotiations for peace.	274
2308	Ambassador Penfield to the Secretary of State.	Dec. 16	Transmits copies and translations of note, dated Dec. 12, 1916, from the Imperial and Royal Ministry of Foreign Affairs, in	276

*Peace Overtures of the Central Powers and Reply—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
		1916.	which the Central Powers state they are to enter into negotiations for peace.	
	The Secretary of State to Ambassador W. H. Page (telegram).	Dec. 16	Transmits peace overtures of Central Powers for presentation to Foreign Office, with instructions as to manner of presentation.	277
	The Secretary of State to Ambassador Sharp (telegram).	Dec. 16	Same as above.....	
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	The Secretary of State to Ambassador Guthrie (telegram).	Dec. 16	Same as above.....	
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	The Secretary of State to Ambassador Gerard.	Jan. 2	Instructs Ambassador Gerard to deliver to the German Government the note of the Entente Powers, replying to the overtures of the Central Powers.	282
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## OFFICIAL DOCUMENTS.

### DIPLOMATIC CORRESPONDENCE BETWEEN THE UNITED STATES AND BELLIGERENT GOVERNMENTS RELATING TO NEUTRAL RIGHTS AND COMMERCE.

#### PART I.

#### DECLARATION OF LONDON.

(Continuation of correspondence printed in Special Supplement, July, 1915, pp. 1-8, and October, 1916, pp. 1-13.)

*The Secretary of State to Chargé Laughlin.*

No. 4191.]

DEPARTMENT OF STATE,  
*Washington, September 18, 1916.*

SIR: The Department has received the Ambassador's No. 4181, of July 10, 1916, enclosing for the information of the Department a copy, in duplicate, of the text of an Order in Council, dated the 7th of July, 1916, entitled "The Maritime Rights Order in Council, 1916," which effects a change in the rules hitherto adopted by the British Government to govern its conduct of warfare at sea during the present war, and transmitting, also in duplicate, a copy of a memorandum which has been drawn up by the British and French Governments explaining the grounds for the issue of the Order in Council mentioned.

You are instructed to address a formal note to Lord Grey, with reference to the Order in Council of July 7, 1916, and the memorandum of the same date on this subject, and say that the Government of the United States, after giving these documents careful consideration, deems the rules therein set forth for the guidance of British authorities as at variance with the law and practice of nations in several respects, in regard to some of which the United States has already made known its views in prior correspondence, and that the Government of the United States reserves all of its rights in the

premises, including the right not only to question the validity of these rules, but to present demands and claims in relation to any American interests which may be unlawfully affected directly or indirectly by the application of these rules.

I am, etc.,

ROBERT LANSING.

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*Ambassador W. H. Page to the Secretary of State.*

No. 4988.]

AMERICAN EMBASSY,  
London, October 11, 1916.

SIR: I have the honor to acknowledge the receipt of the Department's Instruction No. 4191 of September 18, with respect to the Maritime Rights Order in Council, 1916, and in reply to enclose herewith, for the information of the Department, a copy of the Note which has been received from the Foreign Office, under date of October 10, in response to the Embassy's representations in the premises.

I have, etc.,

WALTER HINES PAGE.

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[Inclosure.]

FOREIGN OFFICE,  
October 10, 1916.

YOUR EXCELLENCY:

I have had the honour of receiving Mr. Laughlin's note of the 3rd instant (No. 241), in which he makes a communication under instructions from your Government with respect to the Maritime Rights Order in Council, 1916.

I would point out that if the rules cited in the Order in Council are not deemed by the United States Government to be in accordance with international law, they should be challenged in the Prize Court.

I have, etc.,

(For the Secretary of State:)

MAURICE DE BUNSEN.

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*The Secretary of State to Ambassador W. H. Page.*

No. 4502.]

DEPARTMENT OF STATE,  
Washington, November 24, 1916.

SIR: The Department has received your No. 4988 of October 11, 1916, with which, having reference to the Department's instruction

No. 4191 of September 18, in relation to the Maritime Rights Order in Council of 1916, you enclose a copy of a note received from the Foreign Office in response to the Embassy's representations in the matter.

You will address to the Foreign Office a note in reply to the effect that without admitting that even individual rights when clearly violated by Orders in Council must be maintained by resort to local tribunals, this Government must announce that it, of course, has no intention to resort to British courts for the maintenance of such of its national rights as may be infringed by Orders in Council of Great Britain.

I am, etc.,

ROBERT LANSING.

## **PART II.**

### **MARITIME DANGER ZONES AND MINE AREAS.**

*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

**AMERICAN EMBASSY,  
Berlin, August 7, 1914.**

Mr. Gerard reports that he is informed by the German Foreign Office that German ports are strewn with mines, and it is requested that timely warning be given shippers against navigating in ports which foreign forces might use as bases.

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#### *Memorandum from the British Embassy.*

His Majesty's Chargé d'Affaires presents his compliments to the Secretary of State and has the honour to communicate to him the following telegram which he received last night from the Foreign Office:

The Germans are scattering contact mines indiscriminately about the North Sea in the open sea without regard to the consequences to merchantmen. Two days ago four large merchant ships were observed to pass within a mile of the minefield which sank H. M. S. *Amphion*. The waters of the North Sea must therefore be regarded as perilous in the last degree to merchant shipping of all nations. In view of the methods adopted by Germany the British Admiralty must hold themselves fully at liberty to adopt similar measures in self-defence which must inevitably increase the dangers to navigation in the North Sea. But, before doing so, they think it right to issue this warning in order that merchant ships under neutral flags trading with North Sea ports should be turned back before entering the area of such exceptional danger.

**BRITISH EMBASSY,  
Washington, August 11, 1914.**

*Memorandum to the British Embassy.*

The Secretary of State presents his compliments to His Britannic Majesty's Chargé d'Affaires and acknowledges the receipt of his Memorandum of August 11, 1914, communicating a telegram received by him from the Foreign Office stating that the Germans are scattering contact mines indiscriminately in the open waters of the North Sea without regard to the consequences to merchantmen, thus rendering these waters perilous to the shipping of all nations, and that in view of the methods adopted by Germany the British Admiralty hold themselves at liberty to adopt similar measures in self-defense, thus increasing the dangers to navigation in the North Sea.

It is not stated in the Memorandum whether the contact mines are floating or anchored, but it is presumed from the expression "scattering contact mines indiscriminately" that it was the intention to convey the idea that the mines referred to are floating mines.

The limitation placed upon the use of floating contact mines by Article 1 of The Hague Convention of 1907 relative to the Laying of Automatic Submarine Contact Mines is that they shall become harmless within one hour after being laid.

The Secretary of State is loath to believe that a signatory to that Convention would willfully disregard its treaty obligation, which was manifestly made in the interest of neutral shipping.

All restrictions upon the rights of neutrals upon the high seas, the common highway of nations, during the progress of a war, are permitted in the interests of the belligerents, who are bound in return to prevent their hostile operations from increasing the hazard of neutral ships in the open sea so far as the exigencies of the war permit.

If an enemy of His Majesty's Government has, as asserted, endangered neutral commerce by an act in violation of The Hague Convention, which can not be justified on the ground of military necessity, the Secretary of State perceives no reason for His Majesty's Government adopting a similar course, which would add further dangers to the peaceful navigation of the high seas by vessels of neutral powers.

The Secretary of State, therefore, expresses the earnest and confident hope that His Majesty's Government may not feel compelled to resort, as a defensive measure, to a method of naval warfare, which would appear to be contrary to the terms of The Hague Convention



and impose upon the ships and lives of neutrals a needless menace when peaceably navigating the high seas.

DEPARTMENT OF STATE,

*Washington, August 13, 1914.*

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*Memorandum from the British Embassy.*

The British Embassy presents its compliments to the Department of State, and with reference to its memorandum of August 11 on the subject of contact mines in the North Sea has the honour to communicate the following telegram received from His Majesty's Government:

German action and the measures it may entail are a source of grave danger to shipping. British Admiralty will, however, from time to time and subject to naval exigencies, try to indicate certain routes and channels for trade to pass to the Scheldt, and they do not wish in any degree to keep trade away from the English Channel.

Difficulties in the way of a guarantee for the Rhine, which is nearer to the center of war, are at present insuperable.

BRITISH EMBASSY,

*Washington, August 14, 1914.*

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*Memorandum from the British Embassy.*

His Britannic Majesty's Chargé d'Affaires presents his compliments to the United States Secretary of State and has the honour to acknowledge the receipt of his memorandum of August 13 in which, with reference to the action of Germany in placing contact mines in the North Sea and the right reserved by His Majesty's Government to take similar measures in self-defence, the Secretary of State expresses the hope that His Majesty's Government may not feel compelled to resort to a method of warfare which would appear to be contrary to the terms of the Hague Convention of 1907 and impose upon the ships and lives of neutrals a needless menace when peaceably navigating the high seas.

His Majesty's Chargé d'Affaires lost no time in fully informing His Majesty's Government of the views which the Secretary of State

was good enough to express in the memorandum under reply, and he now begs to communicate a further expression of Sir Edward Grey's views as received by telegraph.

It is stated that there is no doubt whatever that automatic contact mines have been placed by Germany in the high seas where they are dangerous to merchant shipping, as a German mine-laying vessel was caught in the act. It is not alleged that they are a breach of any Convention concluded at The Hague to which Germany is a party, but that does not make them less dangerous to merchant shipping.

His Majesty's Government share the reluctance of the Secretary of State to see the practice extended and the danger to neutral shipping increased. At the same time His Majesty's Chargé d'Affaires is instructed to point out that if Great Britain refrains from adopting the methods of Germany the result is that Germany receives impunity unless the neutral Powers can find some means of making Germany feel that she cannot continue to preserve all facilities for receiving trade and supplies through neutral shipping while impeding British commerce by means the use of which by Great Britain is deprecated by the United States Government.

BRITISH EMBASSY,

*Washington, August 19, 1914.*

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*Memorandum from the British Embassy.*

His Majesty's Ambassador presents his compliments to the Secretary of State and has the honour to communicate to him the following telegram received from the Foreign Office yesterday summarizing the Naval position of the war up to date:

The Admiralty wish to draw attention to their previous warning to neutrals of the danger of traversing the North Sea. The Germans are continuing their practice of laying mines indiscriminately upon the ordinary trade routes. These mines do not conform to the conditions of The Hague convention; they do not become harmless after a certain number of hours; they are not laid in connection with any definite military scheme such as the closing of a military port or as a distinct operation against a fighting fleet, but appear to be scattered on the chance of catching individual British war or merchant

vessels. In consequence of this policy neutral ships, no matter what their destination, are exposed to the gravest dangers. Two Danish vessels the S. S. *Maryland* and the S. S. *Broberg* have within the last twenty-four hours been destroyed by these deadly engines in the North Sea while traveling on the ordinary trade routes at a considerable distance from the British Coast. In addition to this, it is reported that two Dutch steamers clearing from Swedish ports were yesterday blown up by German mines in the Baltic. In these circumstances the Admiralty desire to impress not only on British but on neutral shipping the vital importance of touching at British ports before entering the North Sea in order to ascertain according to the latest information the routes and channels which the Admiralty are keeping swept and along which these dangers to neutrals and merchantmen are reduced as far as possible. The Admiralty, while reserving to themselves the utmost liberty of retaliatory action against this new form of warfare, announce that they have not so far laid any mines during the present war and that they are endeavouring to keep the sea routes open for peaceful commerce.

BRITISH EMBASSY,  
*Washington, August 23, 1914.*

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*Memorandum from the British Embassy.*

The British Ambassador presents his compliments to the Secretary of State and has the honour to communicate the text of a telegram received to-day from Sir E. Grey:

His Majesty's Government have learnt that on or about August 26th an Iceland trawler is reported to have struck a mine 25 miles off the Tyne and sunk, and at least one foreign newspaper has stated that the mine was English. Although the German action in laying mines has forced the Admiralty to reserve to themselves the right to do likewise, the statement already made by His Majesty's Government that no British mines have been laid remains absolutely true at this moment. The mines off the Tyne were laid thirty miles to seaward, not as part of any definite military operation nor by German ships of war but by German trawlers of which a considerable number appear to have been engaged on this work; the number of one such trawler actually seen to be doing this was A. E. 24 Emden. It would be well if the conduct of those who ordered her to perform this act were carefully considered by neutral powers.

BRITISH EMBASSY,  
*Washington, August 30, 1914.*

*The German Ambassador to the Secretary of State.*

[Translation.]

GERMAN EMBASSY,  
New York, September 10, 1914.

MR. SECRETARY OF STATE:

By direction of my Government I have the honor respectfully to bring the following to Your Excellency's knowledge.

No foundation for idea prevalent among neutrals abroad that because of the blockade of German ports sea trade with Germany is tied up. No port is blockaded and nothing stands in the way of neutral states' sea trade with Germany.

The assertions from England that the North Sea has been infested with mines by Germany are wrong.

Neutral vessels bound for German ports in the North Sea must steer by day for a point 10 nautical miles N.W. off Helgoland. There will German pilots be found in readiness to pilot the ships into port.

Neutral vessels must sail direct for Baltic sea ports, every one of which has pilots.

The prohibition of coal export does not include bunker coal and coaling is assured.

Accept, etc.,

J. BERNSTORFF.

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*Ambassador W. H. Page to the Secretary of State.*

No. 476.]

AMERICAN EMBASSY,  
London, September 28, 1914.

SIR: I have the honor to transmit herewith a protest made by the British Government against the methods pursued by the German Navy in laying mines in the North Sea.

This protest was inclosed to me by his Majesty's Secretary of State for Foreign Affairs, in a communication requesting that it be forwarded to the Government of the United States.

I have, etc.,

WALTER HINES PAGE.

## [Inclosure.]

His Majesty's Government consider it their duty to bring before the notice of the United States Government the practice which is being pursued by the German naval authorities in laying mines on the high seas on the trade routes, not only to British but to neutral ports, and in furtherance of no definite military operation. His Majesty's Government have reason to think that fishing vessels, possibly disguised as neutral, are employed for the purpose, and lay these mines under the pretense of following the ordinary avocations of fishing. Mines have been found in several cases as much as 50 miles from the coast.

This practice has already resulted, since the commencement of the war, in the destruction of eight neutral and seven British merchant and fishing vessels, so far as at present ascertained, with the loss of some sixty lives of neutral and noncombatant persons.

The practice of laying mines indiscriminately and in large numbers on the high seas, entirely regardless of the dangers to peaceful shipping, is in flagrant violation of the accepted principles of international law and contrary to the primary dictates of humanity. It is also in direct contradiction with the language of Baron Marschall von Bieberstein, who, as First German delegate at the Peace Conference of 1907, spoke as follows: "We do not intend, if I may employ an expression used by the British delegate, 'to sow mines in profusion on every sea.' . . . We do not hold the opinion that everything which is not expressly forbidden is permitted."

The freedom of the seas for peaceful trading is an established and universally accepted principle: this fact has never been more clearly recognized than in the words of the report of the third Committee of the Second Peace Conference, which dealt with the question of submarine contact mines: "Even apart from any written stipulation it can never fail to be present in the minds of all that the principle of the liberty of the seas with the obligations which it implies on behalf of those who make use of this way of communication open to the nations, is the indisputable prerogative of the human race."

This principle received further recognition in the 3rd article of the Convention relating to the laying of submarine contact mines:—

"When anchored automatic contact mines are employed, every possible precaution must be taken for the security of peaceful shipping."

The belligerents undertake to do their utmost to render these mines harmless after a limited time has elapsed, and should the mines need to be under observation to notify the danger zones as soon as military operations permit, by a notice to mariners, which must also be communicated to the Governments through the diplomatic channels."

Not only have the German Government neglected to take every possible precaution for the safety of neutral shipping, but they have, on the contrary, deliberately and successfully contrived to sow danger in its track. The mined zones have not been kept under observation nor has any notification of their locality ever been made. The provisions of this article, which the German Government are pledged to observe, have therefore been violated in three distinct ways.

Article 1, Section 2, of the same Convention has equally been violated by the German Government, for the mines which they have laid have in numerous instances been found adrift from their moorings without having become harmless. Yet the German Government made no reservation respecting this article either when signing or ratifying the Convention.

The degree of respect with which the German Government treat their written pledges, and the pledges given verbally in their name by their representatives, is sufficiently apparent from what is stated above. It is brought into yet higher relief in the light of the following statement made by Baron Marschall before the third Committee of the last Peace Conference, and repeated by him in full, and with added emphasis, at the 8th plenary meeting of the Conference:

“A belligerent who lays mines assumes a very heavy responsibility toward neutrals and peaceful shipping. . . . No one will resort to such means unless for military reasons of an absolutely urgent character. But military acts are not governed solely by principles of international law. There are other factors: conscience, good sense, and the sentiment of duty imposed by principles of humanity will be the surest guides for the conduct of sailors, and will constitute the most effective guarantee against abuses. The officers of the German Navy, I emphatically affirm, will always fulfil, in the strictest fashion, the duties which emanate from the unwritten law of humanity and civilisation.”

His Majesty's Government desire to place on record their strong protest against the illegitimate means of conducting warfare which has been resorted to by their adversaries. They feel that its manifest inhumanity must call down upon its authors the censure and reprobation of all civilised peoples.

FOREIGN OFFICE, *September 26, 1914.*

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*Memorandum from the British Embassy.*

TELEGRAM FROM SIR EDWARD GREY TO SIR CECIL SPRING RICE,  
OCTOBER 2, 1914.

The German policy of minelaying combined with their submarine activities makes it necessary on military grounds for Admiralty to

adopt countermeasures. His Majesty's Government have therefore authorized a minelaying policy in certain areas and a system of minefields has been established and is being developed upon a considerable scale. In order to reduce risks to noncombatants the Admiralty announce that it is dangerous henceforward for ships to cross area between Latitude fifty-one degrees fifteen minutes north and fifty-one degrees forty minutes north and Longitude one degree thirty-five minutes east and three degrees east. In this connection it must be remembered that the southern limit of the German minefield is latitude fifty-two degrees north. Although these limits are assigned to the danger area it must not be supposed that navigation is safe in any part of the southern waters of the North Sea. Instructions have been issued to His Majesty's ships to warn east-going vessels of the presence of this new minefield. You should inform Government to which you are accredited without delay.

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*Ambassador Herrick to the Secretary of State.*

No. 704.]

AMERICAN EMBASSY,  
Paris, October 9, 1914.

SIR: Confirming my telegram No. 184 of this date, relative to the placing of submarine mines in the Adriatic Sea, I have the honor to transmit herewith a copy and translation, together with its inclosure, of a note from the Minister for Foreign Affairs, giving the text of the advice inserted in the *Journal Officiel* in regard thereto.

I have, etc.,

MYRON T. HERRICK.

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[Inclosure—Translation.]

MINISTRY FOR FOREIGN AFFAIRS,  
FRENCH REPUBLIC.

The Minister for Foreign Affairs has the honor to transmit to His Excellency the Ambassador of the United States, the accompanying notification made in conformity with the stipulation of Article 3, Par. 2 of the 8th Convention of The Hague 1907 relative to the use of submarine mines.

BORDEAUX, October 6, 1914.

## [Sub-inclosure—Translation.]

## NOTICE.

Published in the *Journal Officiel* Official part.

Automatic mines having been sown in the Adriatic sea by the Austro-Hungarian navy, the French naval forces have been obliged to resort to similar measures in the said sea.

However, in order to avoid that inoffensive neutral ships should suffer harm such as has been unjustly caused by the Austro-Hungarian mines, the mines laid down by the French navy are in conformity with the provisions stipulated by the 8th Convention of the Hague, 1907.

The zone that is dangerous to navigation, comprises the territorial waters of the Austro-Hungarian kingdom and the channels between the islands along the coast of Dalmatia.

Notice is hereby given to all whom it may concern, in conformity with Article 3, Par. 2 of the aforesaid Convention.

Approved:

The Minister for Marine.

(Signed)

VICTOR AUGAGNEUR.

Attest:

The Vice-Admiral Chief of Staff.

(Signed)

PIVET.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, October 28, 1914.*

Referring to my 926,<sup>1</sup> October twenty-seventh. A German mine field has been discovered off the north coast of Ireland and the British Admiralty warns shipping not to pass within sixty miles of Tory Island. One British ship bound from Manchester to Montreal struck a mine there and went down. This mine field is in a location which suggests that it was meant rather for merchant than naval ships.

Part of channels of the Thames have been closed by Admiralty.

<sup>1</sup> Not printed.



A Dutch ship struck a mine forty miles north of Ymuiden and sank.

The sinking of the passenger boat across the channel by a mine is disputed.

PAGE.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
London, November 2, 1914.

Mr. Page states that he is informed by Sir Edward Grey that the mine fields North of Ireland were laid by Germans from vessels flying neutral flags. The mines are directly in the path of some of the transatlantic vessels and the liner *Olympic* recently was dangerously near the mines. The danger from the mines is constantly spreading over a wider area.

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*The British Ambassador to the Secretary of State.*

No. 375.]

BRITISH EMBASSY,  
Washington, November 3, 1914.

SIR: In compliance with instructions received from Sir Edward Grey, His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to enclose herewith copy of a telegram which he has addressed to me recommending certain routes to be followed for ships wishing to trade to and from Norway, the Baltic, Denmark, and Holland.

I have, etc.,

CECIL SPRING RICE.

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[Inclosure.]

November 3, 1914.

Please inform Government to which you are accredited that the Admiralty are issuing the following announcement:

During the last week the Germans have scattered mines indiscriminately in the open sea on main trade route from America to Liverpool via North of Ireland. Peaceful merchant ships have already been blown up with loss of life by this agency. The White Star liner *Olympic* escaped disaster by pure good luck and but for warnings given by British cruisers other British and neutral merchant and passenger vessels would have been destroyed.

These mines can not have been laid by any German ship of war. They have been laid by some merchant vessels flying neutral flag which have come along the trade route as if for purposes of peaceful commerce and while profiting to the full by immunity enjoyed by neutral merchant ships have wantonly and recklessly endangered the lives of all who travel on the sea regardless of whether they are friend or foe, civilian or military in character.

Minelaying under neutral flag and reconnaissance conducted by trawlers, hospital ships, and neutral vessels are the ordinary features of German naval warfare.

In these circumstances, having regard to the great interests entrusted to the British Navy, to the safety of peaceful commerce on high seas, and to the maintenance within limits of international law of trade between neutral countries, the Admiralty feel it necessary to adopt exceptional measures appropriate to the novel conditions under which this war is being waged.

They therefore give notice that the whole of the North Sea must be considered a military area. Within this area merchant shipping of all kinds, traders of all countries, fishing craft, and all other vessels will be exposed to the gravest dangers from mines which it has been necessary to lay and from warships searching vigilantly by night and day for suspicious craft.

All merchant and fishing vessels of every description are hereby warned of the dangers they encounter by entering this area except in strict accordance with Admiralty directions. Every effort will be made to convey this warning to neutral countries and to vessels on the sea, but from the 5th of November onwards the Admiralty announce that all ships passing a line drawn from the northern point of the Hebrides through Faroe Islands to Iceland do so at their own peril.

Ships of all countries wishing to trade to and from Norway, the Baltic, Denmark, and Holland are advised to come, if inward bound, by the English channel and Straits of Dover. There they will be given sailing directions which will pass them safely so far as Great Britain is concerned up the East Coast of England to Farne Island, whence safe route will, if possible, be given to Lindesnaes Lightship. From this point they should turn North or South according to their destination, keeping as near the coast as possible. Converse applies to vessels outward bound.

By strict adherence to these routes the commerce of all countries

will be able to reach its destination in safety so far as Great Britain is concerned, but any straying even for a few miles from the course thus indicated may be followed by serious consequences.

BRITISH EMBASSY,  
Washington.

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*Ambassador Marye to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,

*Petrograd, November 5, 1914.*

Russian Government officially notifies Embassy that it has placed mines in zone from fifty-eight fifty north latitude and to east of twenty-first meridian also at entrance of Gulf of Riga and around Aland Islands and consequently entrance and exit of Finnish and Riga Gulfs forbidden.

MARYE.

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*Ambassador Gerard to the Secretary of State.*

No. 261.]

AMERICAN EMBASSY,

*Berlin, November 13, 1914.*

SIR: With reference to my cipher telegram No. 823, dated November 12, 1914,<sup>1</sup> I have the honor to transmit to you herewith a copy in translation of the reply of the German Government to the protest of the British Government against the laying of German mines.

I have, etc.,

JAMES W. GERARD.

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[Inclosure—Translation.]

REPLY OF THE GERMAN GOVERNMENT TO THE PROTEST OF THE BRITISH GOVERNMENT AGAINST THE LAYING OF GERMAN MINES.

It has been brought to the knowledge of the German Government that the British Government addressed a Note to the neutral Powers

<sup>1</sup> Not printed; gives purport of inclosure herewith.

under date September 20, 1914, protesting against the laying of German mines. It is asserted in the protest that the mines were laid in a way contrary to international law and in forbidden localities; that they were not sufficiently anchored or under proper observance; and were not notified to the neutrals in accordance with rule. Furthermore attention is called to the declarations of the first German delegate at the Second Hague Peace Conference which are in contradiction with such practice and likewise to the deliberate injury to neutral trade which Germany's action on the open sea is alleged to involve.

The German Government makes the following reply to this protest:

### I.

In condemning the alleged German practice the British Government relies on the 8th Hague Convention of October 18, 1907, relative to the laying of automatic submarine contact mines. It overlooks the fact that under Article 7 of this Convention its provisions do not apply unless all the belligerents are parties to the Convention. Now Russia, which is allied with England, has not ratified the Agreement; it is therefore not binding by international law on any of the participants in the present war.

Nevertheless the German Government has voluntarily held itself bound by its provisions, with the exception of Article 2, with regard to which France as well as Germany made express reservations. The assertion of the British Government that these provisions have been violated by Germany is emphatically denied.

### II.

To firstly the British Government finds it a breach of international law that the German mines were apparently laid by fishing vessels, possibly under neutral flag, under the pretense of following the ordinary peaceable avocations of fishing. This assertion is incorrect and an invention; the German mines were laid exclusively by German warships.

2. The British Government complains that German mines were laid as far as 50 miles from the British coast and not only on British but neutral trade routes. The Convention does not stipulate how far from the coast and ports of an enemy mines may be anchored, and there is no established practice in this respect in international law; moreover the English statement of the distance of the German mines from the menaced coast is much exaggerated. The mines have been laid as close as the conditions of the anchoring grounds and the character of the coast permitted. The assertion that neutral trade

routes have been blocked is untrue; no German mines have been laid in any trade route from the high seas to a neutral port.

3. The British Protest maintains further that in numerous cases German mines were found adrift without having become harmless. The anchoring of mines by Germany has been carried out with all possible precaution. If some have drifted from their moorings in consequence of currents or storms their number is certainly much smaller than that of mines laid by England which have drifted ashore on the Belgian and Dutch coasts and have caused damage there through their undiminished explosive power.

4. The obligation of keeping mines under surveillance which the British Government complains has been violated can naturally be enjoined upon a belligerent only as long as he retains command over that part of the seat of war where he has laid mines in a manner permitted by international law. As a rule, therefore, this obligation will apply only to defensive mines but not to offensive mines. When a belligerent has properly laid offensive mines and has duly notified their laying he is relieved of all further responsibility.

5. In the British protest the charge is made that the German Government never issued any proclamation as to the places where mines were laid. This charge is not founded in fact. On August 7, 1914, the German Government communicated to all the neutral powers that the trade routes to English ports would be closed by mines by Germany. Neutral shipping was therefore notified of the fact of the laying of the mines and the zones where it had to look out for German mines. If the German Government did not give the exact situation of the various mines this may well be understood from the conditions which forced the laying of the mines.

### III.

The volume of strong words and moral indignation with which the British protest denounces the German Government to the neutral powers is not, therefore, justified at all by Germany's practice. This protest is plainly nothing but a cloak to cover up the serious violations of existing international law laid down in the Declaration of London, indulged in by England and a pretext to prepare public opinion for the closing of the North Sea, contrary to international law, which has since taken place and is equivalent in its economic importance to a blockade of neutral coasts. In view of these facts it is doubly remarkable that the British Government constitutes itself the advocate of the "established and generally accepted principle of the freedom of the seas for peaceful trade." Obviously in the eyes of England, which is at war, the only peaceful trade is that neutral trade which brings goods to England, but not that which carries or might carry goods to her opponents.

The German Government is convinced that the continual violation of neutral trade by England will everywhere place the British protest in its true light. The German Government is satisfied that for its part, in taking the measures required by military exigency, it has reduced as far as possible risk or injury to neutral shipping, and has strictly followed the rules hitherto applied by civilized nations to maritime warfare. On the other hand, the infringement of vital neutral interests by England is capable of justification by no military exigency, since it has no connection with any military operations and is merely intended to strike at the economic system of the adversary by crippling legitimate neutral trade. This fundamental disregard of the very freedom of the seas which it has invoked deprives the British Government of any right to appear as the advocate of this freedom in the question of the laying of mines, which is far less injurious to neutrals.

BERLIN, November 7, 1914.

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*Ambassador Gerard to the Secretary of State.*

No. 271.]

AMERICAN EMBASSY,  
*Berlin, November 17, 1914.*

SIR: With reference to your cable No. 598 <sup>1</sup> of November 9, 1914, and my reply No. 850 <sup>2</sup> of November 16, I have the honor to transmit to you herewith a copy in translation of a communication received from the Imperial Foreign Office, dated November 14, 1914, relative to the regulations for navigation in the German bay of the North Sea.

Two copies of the publication, entitled *Nachrichten für Seefahrer*, in which these regulations are printed, are likewise enclosed.

I have, etc.,

JAMES W. GERARD.

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[Inclosure—Translation.]

FOREIGN OFFICE.  
Nr. II U 4970-89541.

The Foreign Office has the honor to inform the Embassy of the United States of America in reply to the Note Verbale of 12th instant,

<sup>1</sup> Not printed.

<sup>2</sup> Not printed; gives substance of inclosure herewith.

P. O. No. 1072, that the following are the material regulations governing navigation in the German Bay of the North Sea:

1. Steamships are permitted to make for the German coast, to enter or leave the mouths of rivers only from sunrise to sunset, and in clear weather. Ships attempting to point for the coast in the dark, in foggy or thick weather, run the risk of being shot at.

2. All commercial steamers bound for the Eider, Elbe, Weser, and Jade must first point for the Listertief-Buoy; those bound for the Ems should make directly for its mouth.

3. In the interest of the safety of the ships, a pilot is obligatory from the Listertief-Buoy.

4. If ships can not obtain pilots, on account of bad weather or for other reasons, they must either anchor or put out to sea again.

The approximate location of the Listertief-Buoy is  $55^{\circ} 3\frac{3}{4}'$  North,  $8^{\circ} 17\frac{1}{2}'$  East.

For the rest reference made to issue No. 59 of the *Nachrichten für Seefahrer* of 4th instant, pages 1006 and 1007, two copies of which are attached.<sup>1</sup>

American shipping interests can obtain any further information from the *Nachrichten für Seefahrer* which is accessible to them.

BERLIN, November 14, 1914.

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*The Secretary of State to Ambassador Gerard.*

DEPARTMENT OF STATE,  
Washington, December 8, 1914.

SIR: In further acknowledgment of your despatch No. 261, of November 13, 1914, transmitting a copy in translation of the reply of the German Government to the protest of the British Government against the laying of German mines, you are informed that a copy thereof has been forwarded to the American Ambassador at London for transmission to the British Foreign Office without comment.

I am, etc.,

For the Secretary of State:

ROBERT LANSING.

<sup>1</sup> Not printed: see correspondence in cases of the *Erelyn* and *Carib*, pp. 52-73.

*Consul General Skinner to the Secretary of State.*

[Extract.]

AMERICAN CONSULATE GENERAL,  
*London, December 11, 1914.*

SIR: I have the honor to enclose herewith a full copy of a circular which I have received from the Admiralty in regard to the navigation of the North Sea and English Channel.

I have, etc.,

ROBERT P. SKINNER.

[Inclosure.]

## NAVIGATION IN THE NORTH SEA AND ENGLISH CHANNEL.

It is requested that Shipowners on receiving these instructions will use their utmost endeavour to communicate them as confidentially as possible to the Masters of their vessels, impressing upon them the necessity for preventing the information from reaching the enemy. These instructions should not be allowed to come into the hands of any persons who are not directly affected by them.

The previous Notice on Navigation in the North Sea (dated the 14th October, 1914) is canceled.

## A. GENERAL INSTRUCTIONS.

1. Local Naval or Military Authorities may, at any time when they consider it necessary, close a port during certain hours without previous warning.

2. Attention is called to the notice on the inside cover of all Admiralty Sailing Directions and their Supplements, and to the following Admiralty Notices to Mariners of 1914:

No. 1 of 1st January.

No. 1528 of 14th September, Thames Approaches.

No. 1690 of 28th October, River Thames.

No. 1706 of 3d November, Mined Areas.

No. 1727 of 7th November, River Mersey.

No. 1730 of 10th November, Orkney Islands.

No. 1752 of 16th November, East Coast Ports.

In the Notice to Mariners, No. 1752 of 16th November, the position of the Pilotage station of the River Humber to be established by the 27th November should read "7 miles E. S. E. (magnetic) from Spurn Point."



3. All lights may be extinguished and other aids to navigation removed or altered at any time without previous warning.

#### B. MINES.

4. So far as is known at present there are, in addition to the minefields mentioned in Admiralty Notice to Mariners, No. 1752 of 1914, the following principal mined areas:

- (a) Off the Tyne.
- (b) Off Flamborough Head.
- (c) Off Southwold (southern limit  $51^{\circ} 54' N.$ ).
- (d) British minefield within Lat.  $51^{\circ} 15' N.$  and  $51^{\circ} 40' N.$ , Long.  $1^{\circ} 35' E.$  and  $3^{\circ} E.$

#### C. SPECIAL INFORMATION AS TO ENGLISH CHANNEL AND DOWNS.

5. On and after the 10th December lights, buoys, and fog signals in the English Channel and the Downs eastward of a line joining Selsey Bill and Cape Barfleur and south of the parallel  $51^{\circ} 20' N.$ , will be liable to extinction or alteration without further notice.

Trinity House pilot stations will be established as follows by the 10th December:

St. Helena, Isle of Wight: Where ships proceeding up Channel can obtain pilots capable of piloting as far as Great Yarmouth.

Great Yarmouth: Where ships from the North Sea bound for the English Channel or intermediate ports can obtain pilots capable of piloting as far as the Isle of Wight.

Dover: Where ships from French Channel Ports, but no other, can obtain pilots for the North Sea.

The Sunk Light Vessel: Where ships crossing the North Sea between the parallels  $51^{\circ} 40' N.$  and  $51^{\circ} 54' N.$ , but no others, can obtain pilots for the English Channel.

Pilots also can be obtained at London for the Channel and the North Sea.

6. Both before and after the above date (10th December, 1914) all vessels entering the North Sea from the Channel, or vice versa, must pass through the Downs where they will be given directions as to their route.

#### D. PASSAGES—GENERAL.

7. On and after 10th December, 1914, vessels proceeding up or down Channel eastward of the Isle of Wight are very strongly advised to take pilots, as navigation will be exceedingly dangerous without their aid (see paragraph 5).

8. Vessels proceeding up or down the East Coast should keep

within 3 miles of the coast when consistent with safe navigation. The only exception to this is when passing the mouth of the Tyne. Here all vessels should pass not less than 4 miles but not more than 8 miles from the coast between Sunderland and Blyth. Vessels bound to the Tyne must take a pilot off one of the above ports, as stated in Admiralty Notice to Mariners, No. 1752 of 1914.

#### E. PARTICULAR PASSAGES.

(NOTE.—In each case return voyages should be made on same routes.)

9. East Coast Ports to French Ports: See paragraphs 5, 6, and 8.

10. East Coast Ports to Dutch Ports: Proceed as directed in paragraphs 5 and 8. Leave the English coast between the parallels of  $51^{\circ} 40'$  N. and  $51^{\circ} 45'$  N.; proceed between these parallels as far as long.  $3^{\circ}$  E., shape course thence to destination. Vessels using this route (which passes between the British and German mine fields) must clearly understand that they do so *entirely* at their own risk.

11. East Coast Ports to Scandinavian or Danish Ports: Proceed as directed in paragraphs 5 and 8 as far as Farn Island; then steer for the vicinity of Lindesnaes, and thence to destination, keeping in territorial waters.

12. From Atlantic and Irish Ports or Ports on the South or West Coasts of Great Britain to Scandinavian or Danish Ports: Proceed via English Channel, being guided by paragraphs 5, 6, 7, 8, and 11.

13. Sailing vessels bound to Scandinavian or Danish Ports: Pass to Westward of Ireland and of St. Kilda. Then make the Faroe Islands, and proceed from thence to destination, keeping 50 miles to the north of the Shetland Islands.

14. All vessels bound from East Coast Ports to West Coast Ports in the United Kingdom, and vice versa, must pass through the English Channel, and not round the north of Scotland.

ADMIRALTY WAR STAFF,  
(TRADE DIVISION),  
30th November, 1914.

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*The German Ambassador to the Secretary of State.*

[Translation.]

J. No. A 869.]

GERMAN EMBASSY,  
Washington, February 6, 1915.

MR. SECRETARY OF STATE:

By direction of my Government I have the honor to communicate the following to Your Excellency.

It is known to the Imperial Government that Great Britain is on the point of shipping to France large forces of troops and quantities of implements of war. Germany will oppose this shipment with every war means at its command.

As peaceful craft may be, from being mistaken for vessels engaged in war operations, exposed to serious danger, the Imperial Government is placed under the necessity of warning of such danger vessels approaching the North and West Coasts of France. Merchant vessels repairing to the North Sea are advised to steer around Scotland.

Accept, etc.,

For the Imperial Ambassador:

HANUEL.

*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
London, February 27, 1915.

Mariners warned navigation entirely forbidden to all ships of area in Irish Channel bounded on northwest by line joining latitude 55 degrees 22½ minutes, longitude six degrees 17 minutes and latitude 55 degrees 31 minutes, longitude 6 degrees 02 minutes bounded on southeast by line joining latitude 55 degrees 10½ minutes longitude 5 degrees 24½ minutes and latitude 55 02 minutes longitude 5 degrees 40½ minutes bounded southwest by line from first described to fourth described point bounded northeast by line from second described to third described point. All traffic wishing to proceed through North Channel must pass southward of Rathlin Island between sunset and sunrise.

SKINNER.

*Ambassador Gerard to the Secretary of State.*

No. 615.]

AMERICAN EMBASSY,  
Berlin, March 2, 1915.

SIR: With reference to my telegram No. 1719<sup>1</sup> of the 1st instant, I have the honor to enclose to you herewith a copy in translation of a

<sup>1</sup> Not printed. Gives substance of inclosure herewith.

Note Verbale received from the Imperial Foreign Office, dated February 28, 1915, relative to the extent of the war area proclaimed by the German Admiralty.

I have, etc.,

JAMES W. GERARD.

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[Inclosure—Translation.]

FOREIGN OFFICE,  
Nr. III a 4333  

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26052

NOTE VERBALE.

With reference to its Note Verbale of the 4th instant,<sup>1</sup> the Foreign Office has the honor to inform the Embassy of the United States of America, in order to avoid any doubts as to the northward extent of the war area defined in the proclamation of the Chief of the Admiralty Staff of the same day, that the waters surrounding the Orkneys and the Shetlands belong to the war area, but that navigation on both sides of the Faroe Isles is not endangered.

The Foreign Office begs the Embassy of the United States of America to be good enough to inform its Government of the above by cable and to notify the Governments of Great Britain, Japan, and Servia accordingly.

BERLIN, *February* 28, 1915.

TO THE EMBASSY OF THE  
UNITED STATES OF AMERICA.

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*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*London, March 6, 1915.*

Admiralty renews urgent warning to vessels to take London Trinity house pilot when navigating between Great Yarmouth and English Channel. While danger areas are publicly defined, Admiralty add, "it must not be supposed that navigation is necessarily safe in any part of the southern waters of North Sea."

SKINNER.

<sup>1</sup> See Special Supplement, 1915, p. 84.

*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,

*London, May 17, 1915.*

Admiralty cancels notice on navigation North Sea dated November thirtieth, nineteen fourteen. Masters are strongly urged to obtain latest notices before sailing from British ports. Lights may be extinguished and other changes made without previous warning. In addition to mine fields in Firth of Forth, Moray Firth and Scapa Flow following are principal mined areas as far as known: (A) off Tyne; (B) off Flamborough Head; (C) off Southwold, southern limit fifty-one degrees fifty-four minutes N. D. (?); British mine field between latitude fifty-one degrees fifteen minutes N.; and latitude fifty-one degrees forty minutes N.; and between longitude one degree thirty-four minutes E., and longitude three degrees E. All vessels entering North Sea from English Channel must pass between two light vessels off Folkestone, proceed to Downs, keeping inshore imaginary line joining southernmost of the two light vessels to the South Goodwin light vessel; further instructions in Downs. Vessels proceeding up or down east coast should keep within three miles of coast when consistent with safe navigation. Vessels from east coast ports to Channel and French ports should proceed to Downs, keeping within three miles of coast, and follow Admiralty notice to mariners 239; at Downs further instructions will be obtained. Vessels from east coast ports to Dutch ports should keep within three miles of coast, leaving English coast between the parallels fifty-one degrees forty minutes north, and fifty-one degrees fifty-four minutes north, proceeding between these parallels as far as longitude three degrees east, shaping course thence to destination; this route passes between British and German mine fields and vessels proceed at their own risk. Vessels from east coast to Scandinavian ports should keep within three miles of coast, and proceed according to Admiralty notice 239, as far as Farne Island, then steer for Lindesnaes and thence to destination, keeping in territorial waters.

Route from St. Abbs Head to Stavanger may be used as alternative.

British and allied vessels wishing to use northabout route should apply to Customs, and neutral vessels must apply for permission through their foreign representatives, and failing such permission proceed southabout.

Sailing vessels from Atlantic to Scandinavian ports pass westward of Ireland and St. Kilda, thence Faroe Islands to destination, passing northward by fifty miles of Shetland Islands.

SKINNER.

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*Consul General Skinner to the Secretary of State.*

AMERICAN CONSULATE GENERAL,  
*London, May 19, 1915.*

SIR: Referring to my telegram of May 17, setting forth briefly the terms of a notice on navigation in the North Sea and English Channel received from the Trade Division of the Admiralty on that date, I have the honor to inclose herewith, in duplicate, a full copy of the circular, together with the Admiralty Notice to Mariners referred to in the said circular.

I have, etc.,

ROBERT P. SKINNER.

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[Inclosure.]

NAVIGATION IN THE NORTH SEA AND BRITISH HOME WATERS.

The previous Notice on Navigation in the North Sea and English Channel (dated 30th November, 1914) is canceled.

A.—GENERAL INSTRUCTIONS.

1. Local Naval or Military Authorities may, at any time when they consider it necessary, close a port during certain hours without previous warning.

2. Before leaving ports in the United Kingdom Masters of Vessels should be careful to obtain the latest Admiralty Notices to Mariners. Attention is called to the Notice on the inside cover of all Admiralty Sailing Directions and their Supplements, and to the following Admiralty Notices to Mariners and any subsequent ones that may be issued:

No. 1738 of 13th November, 1914. River Medway.

No. 1812 of 10th December, 1914. Bristol Channel.

No. 45 of 15th January, 1915. Yarmouth Roads.

No. 137 of 22nd February, 1915. Irish Channel. North Channel.

No. 165 of 8th March, 1915. River Humber Pilotage.

No. 228 of 26th March, 1915. Dover Strait. Light Vessels established.

No. 239 of 27th March, 1915. North Sea, River Thames, and English Channel.

No. 258 of 3rd April, 1915. Portland Harbour.

No. 274 of 7th April, 1915. Caution when approaching British Ports.

No. 391 of 5th May, 1915. Firth of Forth, Moray Firth, Scapa Flow.

No. 408 of 8th May, 1915. River Tyne Boom Defence. Entrance Signals and Traffic Regulations.

3. Care must be taken at all times to ensure Masters being in possession of the latest Notices to Mariners.

4. Any lights may be extinguished and other aids to navigation removed or altered at any time without previous warning. (Admiralty Notice to Mariners, No. 1627 of 9th October, 1914.)

#### B.—MINES.

5. So far as is known at present there are, in addition to the mine fields mentioned in Admiralty Notice to Mariners, No. 391 of 5th May, 1915, the following principal mined areas:

- (a) Off the Tyne.
- (b) Off Flamborough Head.
- (c) Off Southwold (Southern limit  $50^{\circ} 54' N.$ ).
- (d) British mine field between Lat.  $51^{\circ} 15' N.$  and Lat.  $51^{\circ} 40' N.$ , and between Long.  $1^{\circ} 35' E.$  and Long.  $3^{\circ} E.$

#### C.—PASSAGES.—GENERAL.

6. All vessels entering the North Sea from the English Channel must pass between the two Light vessels off Folkestone (see Admiralty Notice to Mariners, No. 228 of 1915), and proceed to the Downs, keeping inshore of an imaginary line joining the Southernmost of the two Light vessels to the South Goodwin Light vessel. Further instructions as to routes can be obtained in the Downs.

7. Vessels proceeding up or down the East Coast should keep within 3 miles of the coast when consistent with safe navigation.

#### D.—PARTICULAR PASSAGES.

(NOTE.—In each case the return voyage should be made on the same route.)

8. *East Coast Ports to Channel and French Ports.*—Proceed to the Downs following the directions in paragraph 7 and Admiralty Notice to Mariners, No. 239 of 1915. At the Downs further instructions will be obtained.

9. *East Coast Ports to Dutch Ports.*—Proceed as directed in paragraph 7 and Admiralty Notice to Mariners, No. 239 of 1915. Leave the English coast between the parallels 51° 40' N. and 51° 54' N.; proceed between these parallels as far as Longitude 3° E.; shape course thence to destination. Vessels using this route (which passes between the British and German mine fields) must clearly understand that they do so entirely at their own risk.

10. *East Coast Ports to Scandinavian Ports.*—Proceed as directed in paragraph 7 and Admiralty Notice to Mariners, No. 239 of 1915, as far as Farn Island; then steer for Lindesnaes and then to destination, keeping in territorial waters. The route from St. Abbs Head to Stavanger may be used as an alternative to the above route.

11. British and Allied vessels wishing to use the North-about route should apply to the Customs for directions.

Neutral vessels wishing to use the North-about route should be informed that application for permission to do so must be obtained through their Diplomatic representatives, and that, failing such permission, they must proceed South-about.

In no circumstances are vessels allowed to pass through the Minches or through the Pentland Firth.

12. *Sailing Vessels from Atlantic to Scandinavian Ports.*—Pass to Westward of Ireland and St. Kilda. Then make the Faroe Islands, and proceed thence to destination, passing to the Northward of the Shetland Islands, and keeping 50 miles from them.

ADMIRALTY WAR STAFF,  
(TRADE DIVISION),  
15th May, 1915.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, May 20, 1915.

Admiralty announcement canceling notice on Navigation North Sea of November 30, 1914, cabled by Skinner May 17th, states that British and allied vessels wishing to use northabout route should apply to Customs, and neutral vessels must apply for permission through their foreign representatives, and failing such permission proceed southabout.

Department does not fully understand the intention and effect



underlying such regulations, and shall be glad to have an immediate report on the subject from you.

BRYAN.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, June 5, 1915.*

Following reply received to-day from Foreign Office:

I did not fail to refer to the proper department of His Majesty's Government the notes which Your Excellency was good enough to address to me on the 22nd and 29th ultimo enquiring as to the Admiralty announcement canceling the notice on navigation in the North Sea of November 30, 1914.

I have the honour to state in reply that the notice on navigation in the North Sea dated 15th May introduced no new regulations with regard to the northabout route. The notice was merely intended to summarize existing practice which has been evolved with the object of ensuring that trade passing northabout shall be limited in amount and reputable in character.

Many applications for vessels to use the northabout route have been received through the Legations of the Scandinavian Powers in London and permission has been granted.

I have the honour to add that any similar applications which may be made on behalf of United States vessels would of course receive equal treatment.

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*The Secretary of State ad interim to Ambassador W. H. Page.*

[Telegram—Paraphrase.]

No. 1721.]

DEPARTMENT OF STATE,  
*Washington, June 16, 1915.*

Mr. Lansing states that the inquiry in Department's May 20th is not fully answered in the note of June 5th from the British Foreign Office. The Department is at a loss to understand the British Government's object in regulating foreign vessel's courses on the high

seas as for example in paragraphs 10, 11, and 12 of the general instructions of the fifteenth of May enclosed in despatch of May 19 from Consul General appears to be the case.

Mr. Page is directed to press the British Foreign Office for a further explanation.

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*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
London, June 23, 1915.

Hydrographic Department, Admiralty issue notice 525, warning mariners danger passing through Pas de Calais between Le Colbart (the ridge) and French coast. Vessels from North must wait off Calais for pilot or instructions, vessels from South must wait off Boulogne. Vessels not conforming above do so at their own peril.

SKINNER.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 2517.]

AMERICAN EMBASSY,  
London, July 23, 1915.

Your 1721, June 16. Following note received from Foreign Office, dated July 22:

I did not fail to refer to the proper Department of his majesty's government the note which your excellency was so good as to address to me on the 18th ultimo regarding the Admiralty announcement canceling the notice on navigation in the North Sea on the 30th November, 1914.

I have now the honour to inform your excellency that the action of His Majesty's Government in indicating routes to be followed by neutral merchant vessels in the vicinity of the British Isles and in the North Sea is based upon the fact that merchant vessels passing through the North Sea run very grave risk unless they act in strict accordance with the directions of the Admiralty. Before issuing such

special directions to a neutral vessel the Admiralty desires to be assured that the vessel's voyage is undertaken with the knowledge and consent of the government of the country whose flag she flies, and for this reason it is necessary that the application by a neutral vessel for advice as to special routes should be supported by the diplomatic representative of the government in question.

If such support to the application is not given neutral vessels will not receive the special instructions as to the northabout route and will be advised to go southabout where they can be supplied with the latest warnings and obtain the services of pilots where necessary.

PAGE

*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

No 1905.]

DEPARTMENT OF STATE  
Washington, July 26, 1915.

Your 2517. July 23. Department understands requirement in Admiralty Notice May 15 that neutral vessels bound to North Sea by northabout route must obtain from Admiralty special directions through their diplomatic representatives applies only to vessels sailing from British ports and not to vessels sailing direct from American or other neutral ports. Ascertain and report whether this understanding is correct. Have any American owned or chartered vessels applied for such instructions through Embassy if been interfered with the failure to apply. Adv. routing London General.

LANSING

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY.

London August 27, 1915.

I am in receipt of a note from Sir Edward Grey in reply to my communication dated 22. The Department's instructions which reads as follows:

I have the honor to inform Your Excellency in reply that in principle His Majesty's Government would desire that neutral vessels passing northabout from one neutral port to another should sail with the knowledge and consent of the Government of the country whose flag they fly and should follow a track similar as far as possible to that used by vessels sailing from British ports. The difficulty of ensuring this is however so considerable and the responsibility of His Majesty's Government in the matter is so slight that no endeavor is being made in practice to secure any such limitation of sailings.

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*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*London, September 3, 1915.*

Admiralty Order 764. Traffic in Straits Dover between Varne Shoal and Folkestone must pass between light vessels moored—first 2½ miles 140 degrees south 26 degrees east magnitude (?) from Folkestone pierhead latitude 51 degrees 02 minutes 40 seconds north longitude 1 degree 14 minutes 10 seconds east; second 5 cables 150 degrees south 16 degrees east magnitude (?) from first. Ships disregarding this warning do so at own peril.

SKINNER.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, May 2, 1916.*

Following circular note received to-day from Foreign Office, dated May first, 1916.

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador and has the honour to acquaint him for the information of the United States Government that it has been found necessary to extend the eastern limit of the danger

area of the British minefield off the Belgian coast, notified on the twenty-second October, 1914, so as to include the waters south of latitude fifty-one degrees, forty minutes north, as far as the Meridian of three degrees, twenty minutes east, instead of three degrees east as previously notified.

Sir E. Grey would remind Dr. Page that the danger area as notified on the second October, 1914, comprised that situated between latitude fifty-one degrees, fifteen minutes and fifty-one degrees, forty minutes north, and longitude one degree, thirty-five minutes east, and three degrees east.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
London, May 29, 1916.

Respecting mine field off Belgian coast.

Foreign Office inform me under date May twenty-seventh that the Eastern limit of the danger area of the British mine field off the Belgian coast should be defined as the meridian of three degrees eighteen minutes east instead of three degrees twenty minutes east as previously notified in error.

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*The British Ambassador to the Secretary of State.*

No. 193.]

BRITISH EMBASSY,  
Washington, July 1, 1916.

SIR: I have the honour, in accordance with instructions received from His Majesty's Principal Secretary of State for Foreign Affairs, to transmit to you herewith copy of an Admiralty Notice to Mariners, No. 618 of 1916, relative to the necessity for the exercise of caution in navigating on account of certain mined areas in the North Sea.

I am instructed to invite the attention of the United States Gov-

ernment to the extension of the danger zone as indicated at (B) in the inclosed notice.

I have, etc.,

(For the Ambassador)  
COLVILLE BARCLAY.

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[Inclosure.]

ADMIRALTY NOTICE TO MARINERS.

No. 618 of the year 1916.

NORTH SEA.

Caution with regard to Mined Areas.

*Former notice.*—No. 541 of 1916; hereby canceled.

*Caution.*—Mariners are warned that a system of mine fields has been established by H. M. Government upon a considerable scale. All vessels are strongly advised to obtain a London Trinity House pilot when navigating between Great Yarmouth and the English Channel.

It is dangerous for vessels to enter the following areas:

- (a) The area enclosed between the parallels of latitude  $51^{\circ} 15' \text{ N.}$  and  $51^{\circ} 40' \text{ N.}$ , and the meridians of longitude  $1^{\circ} 35' \text{ E.}$  and  $3^{\circ} 18' \text{ E.}$
- (b) The area enclosed between the parallels of latitude  $51^{\circ} 40' \text{ N.}$  and  $52^{\circ} 00' \text{ N.}$ , and the meridians of longitude  $1^{\circ} 55' \text{ E.}$  and  $2^{\circ} 32' \text{ E.}$

*Remarks.*—Although these limits are assigned to the danger areas, it must not be supposed that navigation is necessarily safe in any portion of the southern waters of the North Sea.

*Note.*—This Notice is a repetition of Notice No. 541, of 1916, with addition of the danger area specified in paragraph (b).

(Notice No. 618 of 1916.)

*Authority.*—The Lords Commissioners of the Admiralty. (H. 3512/16.)

By Command of their Lordships,

J. F. PARRY,  
*Hydrographer.*

HYDROGRAPHIC DEPARTMENT, ADMIRALTY,  
London, 9th June, 1916.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, January 25, 1917.*

Following notice dated January twenty-fourth received from Foreign Office with request that it be brought immediately to attention of United States Government.

In view of the unrestricted warfare carried on by Germany at sea by means of mines and submarines not only against the Allied Powers but also against neutral shipping and the fact that merchant ships are constantly sunk without regard to the ultimate safety of their crews, His Majesty's Government give notice that on and after the seventh proximo the undermentioned area in the North Sea will be rendered dangerous to all shipping by operations against the enemy and it should therefore be avoided.

Area comprising all the waters except Netherland and Danish territorial waters lying to the southward and eastward of a line commencing four miles from the coast of Jutland in latitude 56 degrees north, longitude eight degrees east from Greenwich and passing through the following positions: Latitude fifty-six degrees north, longitude six degrees east, latitude fifty-four degrees forty-five minutes east (?) thence to a position in latitude fifty-three degrees thirty-seven minutes north, longitude five degrees east, seven miles off the coast of the Netherlands.

To meet the needs of the Netherland coastal traffic which cannot strictly confine itself to territorial waters owing to navigational difficulties a safe passage will be left to the southward of a line joining the following points: Latitude fifty-three degrees twenty-seven minutes north, longitude five degrees east, latitude fifty-three degrees thirty-one and half minutes north, longitude five degrees thirty minutes east, latitude fifty-three degrees thirty-four minutes north, longitude six degrees east, latitude fifty-three degrees thirty-nine minutes north, longitude six degrees twenty-three minutes east.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, February 15, 1917.*

Following revised notice dated February thirteenth received from Foreign Office respecting dangerous area in North Sea which is in-

tended to replace notice quoted my telegram 5544, January twenty-fifth, 1917:

North Sea. Caution with regard to dangerous area. Caution. In view of the unrestricted warfare carried on by Germany at sea by means of mines and submarines not only against the Allied Powers but also against neutral shipping and the fact that merchant ships are constantly sunk without regard to the ultimate safety of their crews, His Majesty's Government give notice that on and after the seventh February, 1917, the undermentioned area in the North Sea will be rendered dangerous to all shipping by operations against the enemy and it should therefore be avoided.

Dangerous Area. The area comprising all the waters except Netherland and Danish territorial waters lying to the southward and eastward of a line commencing four miles from the coast of Jutland in latitude fifty-six degrees north longitude eight degrees east and passing through the following positions: Latitude fifty-six degrees north longitude six degrees east and latitude fifty-four degrees forty-five minutes north longitude four degrees thirty minutes east thence to a position in latitude fifty-three degrees twenty-seven minutes north longitude five degrees east seven miles from the coast of The Netherlands.

To meet the needs of the coastal traffic which can not strictly confine itself to territorial waters owing navigational difficulties, it will be safe to navigate between the coast of Jutland and a line passing through the following positions: Latitude fifty-six degrees north longitude eight degrees east latitude fifty-five degrees forty minutes north longitude eight degrees east latitude fifty-five degrees thirty-six minutes north longitude seven degrees fifteen minutes east latitude fifty-five degrees thirty-two minutes north longitude seven degrees fifteen minutes east latitude fifty-five degrees twenty-two minutes north longitude seven degrees forty-five minutes east latitude fifty-five degrees nineteen minutes north longitude eight degrees four minutes east latitude fifty-five degrees twenty-two minutes north longitude eight degrees nineteen minutes east which is three miles from the coast of Fano Island.

Also a safe passage will be left along the Netherland coast southward of a line joining the following positions: Latitude fifty-three degrees twenty-seven minutes north longitude five degrees east latitude fifty-three degrees thirty-one and half minutes north longitude five degrees thirty minutes east latitude fifty-three degrees thirty-four minutes north longitude six degrees east latitude fifty-three degrees thirty-nine minutes north longitude six degrees twenty-three minutes east.

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*The Secretary of State to the British Ambassador.*

No. 1485.]

DEPARTMENT OF STATE,  
Washington, February 19, 1917.

## EXCELLENCY:

From time to time during the present war, as Your Excellency is aware, the Government of His Britannic Majesty have given notice of certain delimited areas of the high seas, designated as "military areas" or "danger areas," within which merchant shipping of all kinds, fishing craft, and all other vessels, were warned that they would be subject to the gravest dangers from mines laid by His Majesty's Government, and from hostile operations, and that they would enter such waters at their peril. This matter was referred to in the Department's memorandum of August 13, 1914, and has been the subject of subsequent correspondence between the American Ambassador at London and the British Foreign Office.

As the question of appropriating certain portions of the high seas for military operations, to the exclusion of the use of the hostile area as a common highway of commerce, has not become a settled principle of international law assented to by the family of nations, it will be recognized that the Government of the United States must, and hereby does, for the protection of American interests, reserve generally all of its rights in the premises, including the right not only to question the validity of these measures, but to present demands and claims in relation to any American interests which may be unlawfully affected, directly or indirectly, by virtue of the enforcement of these measures.

Accept, etc.,

ROBERT LANSING.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
London, March 23, 1917.

My telegram 5701, February fifteenth.

Foreign Office in note dated March twenty-first state:

As from the first April, 1917, the dangerous area will comprise all the waters except Danish and Netherlands territorial waters

lying to the southward and eastward of a line commencing three miles from the coast of Jutland on the parallel of latitude fifty-six degrees north and passing through the following positions:

One. Latitude fifty-six degrees north, longitude six degrees east.

Two. Latitude fifty-four degrees forty-five minutes north, longitude four degrees thirty minutes east.

Three. Latitude fifty-three degrees twenty-three minutes north, longitude five degrees one minute east.

Four. Latitude fifty-three degrees twenty-five minutes north, longitude five degrees five and half minutes east, and thence to the eastward following the limit of Netherlands territorial waters.

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*The Minister of Switzerland in charge of German interests in America  
to the Secretary of State.*

[Translation.]

LEGATION OF SWITZERLAND,  
Washington, March 23, 1917.<sup>1</sup>

MR. SECRETARY OF STATE:

The Political Department, Division of Foreign Affairs, instructs me and I have hereby the honor to notify the Government of the United States as follows:

The Imperial German Government to-day gave notice of an extension of the submarine blockade, according to which it will henceforth and without further notice oppose by every means in its power any navigation whatsoever of the waters of the Arctic Ocean lying east and south of the seventy-fifth degree of latitude north, with the exception of the Norwegian territorial waters. Neutral vessels navigating that zone would do so at their risk and peril. Steps, however, have been taken directing that neutral vessels already on their way to ports within the newly prohibited zone or intending to leave those ports should not until the 5th of April be attacked without previous warning.

Be pleased, etc.,

P. RITTER.

<sup>1</sup> Received.

*The Minister of Switzerland in charge of German interests in America  
to the Secretary of State.*

[Translation.]

LEGATION OF SWITZERLAND,  
Washington, March 24, 1917.

MR. SECRETARY OF STATE:

In continuation of my note of yesterday I am asked and I have the honor to inform Your Excellency that, according to a telegram received this day from the Political Department, the German Government's notice of the blockade of the Arctic Ocean is to be completed as follows:

The blockaded waters east of the 24th degree of longitude east and south of the seventy-fifth degree of latitude north.

Be pleased, etc.,

P. RITTER.

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*Minister Egan to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
Copenhagen, April 8, 1917.

On August 8, 1914, Foreign Office here published the following notice to mariners: The German Government has issued the following warning to mariners: Vessels are cautioned against approaching places from which attacks from hostile fleets may be expected or harbors and roadsteads from which embarkation of troops may be made, as mines may have been sown in such places.

EGAN.

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*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
London, April 27, 1917.

Admiralty Notice 434, dated April twenty-sixth, cancels number 319, entitled caution with regard to dangerous area. New notice

repeats former preamble and states that on and after May 3, 1917, will be further extended as undermentioned.

**Dangerous area:** The area comprising all the waters except Netherlands and Danish territorial waters lying to the southward and eastward of a line commencing three miles from the coast of Jutland on the parallel of latitude 56 degrees 00 minutes north, and passing through the following positions: First. Latitude 56 degrees 00 minutes north, longitude 6 degrees 00 minutes east. Second. Latitude 54 degrees 45 minutes north, longitude 4 degrees 30 minutes east. Third. Latitude 53 degrees 15 minutes north, longitude 4 degrees 30 minutes east. Fourth. Latitude 53 degrees 23 minutes north, longitude 4 degrees 50 minutes east. Fifth. Latitude 53 degrees 23 minutes north, longitude 5 degrees 01 minute east. Sixth. Latitude 53 degrees 25 minutes north, longitude 5 degrees 05½ minutes east, and from thence to the eastward, following the limit of Netherlands territorial waters.

SKINNER.

### **PART III.**

#### **RESTRAINTS ON COMMERCE.**

(Continuation of correspondence printed in Special Supplements,  
July, 1915, pp. 55-83, 101-125, 141-146, 153-155, 157-165;  
October, 1916, pp. 58-158.)

*Ambassador W. H. Page to the Secretary of State.*

No. 5021.]

AMERICAN EMBASSY,

*London, October 12, 1916.*

SIR: With reference to the Department's telegram No. 3578, of July 26, 1916, 10 p. m., and to my telegram No. 5003, of the 11th instant, I have the honor to enclose herewith a printed copy of a note I have received from the Foreign Office concerning the Trading with the Enemy Act.

I have, etc.,

WALTER HINES PAGE.

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[Inclosure.]

*The British Secretary of State for Foreign Affairs to Ambassador  
W. H. Page.*

FOREIGN OFFICE,  
*October 10, 1916.*

YOUR EXCELLENCY:

His Majesty's Government have had under consideration the note which your Excellency was good enough to communicate to me on the 28th July last, with respect to the addition of certain firms in the United States of America to the statutory list compiled and issued in accordance with "The Trading with the Enemy (Extension of Powers) Act, 1915."

2. You will recall that shortly after this Act became law, I had the honour, in my note of the 16th February last, in reply to your note of the 26th January, to explain the object of the Act. It is a piece of

purely municipal legislation, and provides that His Majesty may by proclamation prohibit persons in the United Kingdom from trading with any persons in foreign countries who might be specified in such proclamations or in any subsequent orders. It also imposes appropriate penalties upon persons in the United Kingdom who violate the provisions of this statute.

3. That is all. His Majesty's Government neither purport nor claim to impose any disabilities or penalties upon neutral individuals or upon neutral commerce. The measure is simply one which enjoins those who owe allegiance to Great Britain to cease having trade relations with persons who are found to be assisting or rendering service to the enemy.

4. I can scarcely believe that the United States Government intend to challenge the right of Great Britain as a sovereign State to pass legislation prohibiting all those who owe her allegiance from trading with any specified persons when such prohibition is found necessary in the public interest. The right to do so is so obvious that I feel sure that the protest which your Excellency handed to me has been founded on a misconception of the scope and intent of the measures which have been taken.

5. This view is strengthened by some of the remarks which are made in the note. It is, for instance, stated that these measures are "inevitably and essentially inconsistent with the rights of the citizens of all nations not involved in war." The note then proceeds to point out that citizens of the United States are entirely within their rights in attempting to trade with any of the nations now at war. His Majesty's Government readily admit that the citizens of every neutral nation are free to trade with belligerent countries. The United States Government will no doubt equally readily admit that they do so subject to the right of the other belligerent to put an end to that trade by every means within his power which is recognized by international law, by such measures, for instance, as the seizure of neutral goods as contraband, or for breach of blockade, etc. The legislation, however, to which exception is taken does not belong to that class of measures. It is purely municipal. It is an exercise of the sovereign right of an independent State over its own citizens, and nothing more. This fact has not, I feel sure, been fully realised by the Government of the United States of America, for the note maintains that the Government cannot consent to see these remedies and penalties altered and extended at will in derogation of the right of its citizens; and says that "conspicuous among the principles which the civilized nations of the world have accepted for the safeguarding of the rights of neutrals is the just and honourable principle that neutrals may not be condemned nor their goods confiscated, except upon fair adjudication and after an opportunity to be heard in Prize Courts or elsewhere."

6. As I have said above, the legislation merely prohibits persons in,

the United Kingdom from trading with certain specified individuals, who, by reason of their nationality or their association, are found to support the cause of the enemy, and trading with whom will therefore strengthen that cause. So far as that legislation is concerned, no rights or property of these specified individuals are interfered with; neither they nor their property are condemned or confiscated; they are as free as they were before to carry on their business. The only disability they suffer is that British subjects are prohibited from giving to them the support and assistance of British credit and British property.

7. The steps which His Majesty's Government are taking under the above-mentioned Act are not confined to the United States of America; the policy is being pursued in all neutral countries. Nay, more. With the full consent of the Allied Governments, firms, even in Allied countries, are being placed on the statutory list if they are firms with whom it is necessary to prevent British subjects from trading. These considerations may, perhaps, serve to convince the Government of the United States that the measures now being taken are not directed against neutral trade in general. Still less are they directed against American trade in particular; they are part of the general belligerent operations designed to weaken the enemy's resources.

8. I do not read your note of the 28th July as maintaining that His Majesty's Government are obliged by any rule of international law to give to those who are actively assisting the cause of their enemies, whether they be established in neutral or in enemy territory, the facilities which flow from participation in British commerce. Any such proposition would be so manifestly untenable that there is no reason to refute it. The feelings which I venture to think have prompted the note under reply must have been that the measures which we have been obliged to take will be expanded to an extent which will result in their interfering with genuine neutral commerce; perhaps, also, that they are not exclusively designed for belligerent purposes, but are rather an attempt to forward our own trade interests at the expense of neutral commerce, under the cloak of belligerency; and, lastly, that they are, from a military point of view, unnecessary.

9. Upon these points I am able to give to the Government and people of the United States the fullest assurances. Upon the first point it is true, as your note says, that the name of a firm may be added to the statutory list of persons with whom British persons may not trade whenever, on account of the enemy association of such firm, it seems expedient to do so. But the Government of the United States can feel confident that this system of prohibitions will not be carried further than is absolutely necessary. It has been forced upon us by the circumstances of the present war. To extend it beyond what is required in order to secure its immediate purpose—the weakening of

the resources of our opponents—or to allow it to interfere with what is really the genuine neutral trade of a country with which we desire to have the closest commercial intercourse, would be contrary to British interests. The advantage derived from a commercial transaction between a British subject and a foreigner is mutual, and for His Majesty's Government to forbid a British subject to trade with the citizen of any foreign country necessarily entails some diminution of commercial opportunity for that British subject, and therefore some loss both to him and to his country. Consequently the United States Government, even if they are willing to ignore the whole tradition and tendency of British policy towards the commerce of other nations, might be confident that self-interest alone would render His Majesty's Government anxious not to place upon the statutory list the name of any firm which carries on a genuine *bona fide* neutral trade. If they did so, Great Britain herself would be the loser.

10. As to the second point, there seem to be individuals in the United States and elsewhere whom it is almost impossible to convince that the measures we take are measures against our enemies, and not intended merely to foster our own trade, at the expense of that of neutral countries. I can only reiterate what has been repeatedly explained before that His Majesty's Government have no such unworthy object in view. We have, in fact, in all the steps we have taken to prevent British subjects from trading with these specified firms, been most careful to cause the least possible dislocation of neutral trade, as much in our interests as in those of the neutral.

11. I turn now to the question whether the circumstances of the present war are such as to justify resort on the part of His Majesty's Government to this novel expedient.

12. As the United States Government are well aware, the Anglo-American practice has in times past been to treat domicile as the test of enemy character, in contradistinction to the continental practice, which has always regarded nationality as the test. The Anglo-American rule crystallized at the time when means of transport and communication were less developed than now, and when in consequence the actions of a person established in a distant country could have but little influence upon a struggle.

13. To-day the position is very different. The activities of enemy subjects are ubiquitous, and under modern conditions it is easy for them, wherever resident, to remit money to any place where it may be required for the use of their own Government, or to act in other ways calculated to assist its purposes and to damage the interests of the powers with whom it is at war. No elaborate exposition of the situation is required to show that full use has been and is being made of these opportunities.

14. The experience of the war has proved abundantly, as the United States Government will readily admit, that many Germans in



neutral countries have done all in their power to help the cause of their own country and to injure that of the Allies; in fact, it would be no exaggeration to say that German houses abroad have in a large number of cases been used as an integral part of an organization deliberately conceived and planned as an engine for the furtherance of German political and military ambitions. It is common knowledge that German business establishments in foreign countries have been not merely centers of German trade, but active agents for the dissemination of German political and social influence, and for the purpose of espionage. In some cases they have even been used as bases of supply for German cruisers, and in other cases as organisers and paymasters of miscreants employed to destroy by foul means factories engaged in making, or ships engaged in carrying, supplies required by the Allies. Such operations have been carried out in the territory even of the United States itself, and I am bound to observe, what I do not think will be denied, that no adequate action has yet been taken by the Government of the United States to suppress breaches of neutrality of this particularly criminal kind, which I know that they are the first to discountenance and deplore.

15. In the face of enemy activities of this nature it was essential for His Majesty's Government to take steps that should at least deprive interests so strongly hostile of the facilities and advantages of unrestricted trading with British subjects. The public opinion of this country would not have tolerated the prolongation of the war by the continued liberty of British subjects to trade with and so to enrich the firms in foreign countries whose wealth and influence were alike at the service of the enemy.

16. Let me repeat that His Majesty's Government make no such claim to dictate to citizens of the United States, nor to those of any other neutral country, as to the persons with whom they are or are not to trade. They do, however, maintain the right, which in the present crisis is also their duty towards the people of this country and to their Allies, to withhold British facilities from those who conduct their trade for the benefit of our enemies. If the value to these firms of British facilities is such as to lead them to prefer to give up their trade with our enemies rather than to run the risk of being deprived of such facilities, His Majesty's Government can not admit that their acceptance of guarantees to that effect is either arbitrary or incompatible with international law or comity.

17. There is another matter with which I should like to deal.

18. The idea would seem to be prevalent in some quarters that the military position is now such that it is unnecessary for His Majesty's Government to take any steps which might prejudice, even to a slight extent, the commerce of neutral countries, that the end of the war is in sight, and that nothing which happens in distant neutral countries can affect the ultimate result.

19. If that were really the position, it is possible that the measures taken by His Majesty's Government might be described as uncalled for, but it is not. We may well wish that it were so. Even though the military situation of the Allies has greatly improved there is still a long and bitter struggle in front of them, and one which in justice to the principles for which they are fighting imposes upon them the duty of employing every opportunity and every measure which they can legitimately use to overcome their opponents.

20. One observation which is very commonly heard is that certain belligerent acts, even though lawful, are too petty to have any influence upon a struggle of such magnitude. It is, I know, difficult for those who have no immediate contact with war to realise with what painful anxiety men and women in this country must regard even the smallest acts which tend to increase, if only by a hair's breadth, the danger in which their relatives and friends daily stand, or to prolong, if only by a minute, the period during which they are to be exposed to such perils.

21. Whatever inconvenience may be caused to neutral nations by the exercise of belligerent rights, it is not to be compared for an instant to the suffering and loss occasioned to mankind by the prolongation of the war, even for a week.

22. One other matter should be mentioned, namely, the exclusion from ships using British coal of goods belonging to firms on the statutory list. This is enforced by rendering it a condition of the supply of bunker coal. What legal objection can be taken to this course? It is British coal; why should it be used to transport the goods of those who are actively assisting our enemies? Nor is this the only point. It must be remembered that the German Government by their submarine warfare have sought to diminish the world's tonnage; they have sunk illegally and without warning hundreds of peaceful merchant ships belonging not only to Allied countries but to neutrals as well. Norwegian, Danish, Swedish, Dutch, Spanish, Greek ships have all been sunk. Between the 1st June and the 30th September, 1916, 262 vessels have been sunk by enemy submarines; 73 of these were British, 123 allied, and 66 neutrals. These totals included 10 British vessels which were sunk without warning and involved the loss of 81 lives; 2 allied, 1 of which involved the loss of 2 lives, no information being available as to the other; and 3 neutral, involving the loss of 1 life. Even so the list is incomplete. Probably other vessels were sunk without warning and more lives than those enumerated were lost. It may be added that where those on board did escape it was, as a rule, only by taking to open boats.

23. One of the first enterprises to feel the loss of tonnage has been the Commission for Relief in Belgium. Relief ships have themselves been repeatedly sunk; and in spite of all the efforts of His Majesty's Government, in spite of the special facilities given for the

supply of coal to ships engaged in the commission's service, that body is constantly unable to import into Belgium the foodstuffs absolutely necessary to preserve the life of the population. Can it then be wondered that the British Government are anxious to limit the supply of British coal in such a way as to reserve it as far as possible to ships genuinely employed in Allied or neutral trade?

24. There is, indeed, one preoccupation in regard to this use of coaling advantages by His Majesty's Government which is no doubt present in the minds of neutrals, and which I recognize. I refer to the apprehension that the potential control over means of transportation thus possessed by one nation might be used for the disruption of the trade of the world in the selfish interests of that nation. His Majesty's Government therefore take this opportunity to declare that they are not unmindful of the obligations of those who possess sea-power, nor of that traditional policy pursued by the British Empire by which such power has been regarded as a trust and has been exercised in the interests of freedom. They require no representations to recall such considerations to mind, but they can not admit that, in the circumstances of the times, their present use of their coal resources, a use which only differs in extent from that exercised by the United States in the Civil War in the case of vessels proceeding to such ports as Nassau, is obnoxious to their duties or their voluntary professions.

25. In conclusion, I can not refrain from calling to mind the instructions issued by Lord Russell on the 5th July, 1862, to the merchants of Liverpool in regard to trade with the Bahamas. His Lordship there advised British subjects that their "true remedy" would be to "refrain from this species of trade" on the ground that "it exposes innocent commerce to vexatious detention and search by American cruisers."

26. His Majesty's Government do not ask the Government of the United States to take any such action as this, but they cannot believe that the United States Government will question their right to lay upon British merchants, in the interests of the safety of the British Empire, for which they are responsible, the same prohibitions as Lord Russell issued fifty years ago out of consideration for the interests and feelings of a foreign nation. Suspicions and insinuations which would construe so simple an action as an opening for secret and unavowed designs on neutral rights should have no place in the relations between two friendly countries.

27. I trust that the explanations contained in this note will destroy such suspicions and correct the erroneous views which prevail in the United States on the subject.

I have, etc.,

GREY OF FALLODON.

*Consul General Skinner to the Secretary of State.*

[Extract.]

No. 3475.]

AMERICAN CONSULATE GENERAL,  
*London, January 17, 1917.*

SIR: With reference to my telegram of January 13, 1917, reporting a British Order in Council amending the order of March 11, 1915, I have the honor to forward herewith the full text of the Order in Council of January 10, 1917.

It is from the *London Gazette* of January 12, 1917.

I have, etc.,

ROBERT SKINNER.

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[Inclosure.]

## ORDER IN COUNCIL.

At the Court at Buckingham Palace the 10th day of January, 1917.  
Present the King's Most Excellent Majesty in Council

Whereas, on the 11th day of March, 1915, an order was issued by His Majesty in Council directing that all ships which sailed from their ports of departure after the 1st day of March, 1915, might be required to discharge in a British or allied port goods which were of enemy origin or of enemy destination or which were enemy property;

And whereas such Order in Council was consequent upon certain orders issued by the German Government purporting to declare, in violation of the usages of war, the waters surrounding the United Kingdom a military area, in which all British and allied merchant vessels would be destroyed, irrespective of the lives of passengers and crew, and in which neutral shipping would be exposed to similar danger, in view of the uncertainties of naval warfare;

And whereas the sinking of British, allied, and neutral merchant ships, irrespective of the lives of passengers and crews, and in violation of the usages of war, has not been confined to the waters surrounding the United Kingdom, but has taken place in a large portion of the area of naval operations;

And whereas such illegal acts have been committed not only by German warships, but by warships flying the flag of each of the enemy countries;

And whereas on account of the extension of the scope of the illegal operations carried out under the said German orders, and in retaliation therefor, vessels have been required under the provisions of the Order in Council aforementioned to discharge in a British or allied port goods which were of enemy origin or of enemy destination or which were enemy property, irrespective of the enemy country from or to which such goods were going or of the enemy country in which was domiciled the persons whose property they were:

And whereas doubts have arisen as to whether the term "enemy" in articles 3 and 4 of the said Order in Council includes enemy countries other than Germany:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. In articles 3 and 4 of the said Order in Council of the 11th March, 1915, aforementioned, the terms "enemy destination" and "enemy origin" shall be deemed to apply and shall apply to goods destined for or originating in any enemy country, and the term "enemy property" shall be deemed to apply and shall apply to goods belonging to any person domiciled in any enemy country.

2. Effect shall be given to this order in the application of the said Order in Council of the 11th March, 1915, to goods which previous to the date of this order have been discharged at a British or allied port, being goods of destination or origin or property which was enemy though not German, and all such goods shall be detained and dealt with in all respects as is provided in the said Order in Council of the 11th March, 1915.

J. C. LEDLIE.

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*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*London, February 22, 1917.*

Order in Council March 11, 1915, modified by proclamation dated 16th promulgated 21st new order after reciting that German memorandum declaring that after February 1 neutral ships will navigate certain zones at their risk and similar directions by other enemy powers are in flagrant contradiction with rules of international law and treaty obligations of enemy and therefore renders it necessary to adopt

further measures to prevent commodities from reaching or leaving enemy countries announces that from and after February 16:

1. A vessel which is encountered at sea on her way to or from a port in any neutral country afforded means of access to the enemy territory without calling at a port in British or allied territory shall until the contrary is established be deemed to be carrying goods with an enemy destination or of enemy origin and shall be brought in for examination and if necessary for adjudication before the prize court.

2. Any vessel carrying goods with an enemy destination or of enemy origin shall be liable to capture and condemnation in respect of the carriage of such goods, provided that in the case of any vessel which calls at an appointed British or allied port for the examination of her cargo no sentence of condemnation shall be pronounced in respect only of the carriage of goods of enemy origin or destination and no such presumption as is laid down in article J shall arise.

3. Goods which are found on the examination of any vessel to be goods of enemy origin or of enemy destination shall be liable to condemnation.

4. Nothing in this order shall be deemed to affect the liability of any vessel or goods to capture or condemnation independently of this order.

5. This order is supplemental to the Orders in Council of the 11th day of March, 1915, and the 10th day of January, 1917, for restricting the commerce of the enemy.

SKINNER.

## PART IV.

### 1. SUBMARINE WARFARE—GERMANY.

CASES OF THE "EVELYN" AND "CARIB."

*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

No. 1657.]

AMERICAN EMBASSY,  
*Berlin, February 22, 1915.*

Mr. Gerard states that it is reported by the Consular Agent at Bremerhaven that the vessel *Evelyn* was sunk by a mine on the night of the twentieth between Norderney and the Isle of Borkum. One of the three boats, which were manned and left the vessel, is missing. It is said that a German scout boat saved the captain and twenty-eight men of the *Evelyn*. American steamers, now at Bremen can take the survivors to America.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

No. 1659.]

AMERICAN EMBASSY,  
*Berlin, February 22, 1915.*

Consul General Bremerhaven reports steamer *Evelyn* ran on two mines nineteenth, four a. m., near Isle Borkum, sank seven hours later. Only two boats manned: Captain Smith, thirteen men, Dutch pilot in one; First Officer Senson, thirteen men in other. First boat said to have been rescued ten o'clock Saturday morning, but present whereabouts yet unknown. Latter boat picked up by German scout-ship *Mars* four o'clock Saturday afternoon; taken to Heligoland. Thirteen men brought to Bremerhaven, put in sailors' home. Spanish

stoker, Hans Ilaro, frozen and buried at sea; appears to be only death. Other survivors expected to-morrow. Those in Bremerhaven out of danger.

GERARD.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

No. 1687.]

AMERICAN EMBASSY,  
*Berlin, February 25, 1915.*

Consular Agent, Bremerhaven, reports *Carib* apparently ran on mine twenty-second, eleven a. m., ten miles west Norderney, soon sank. Three of crew of thirty lost. Captain Cole and twenty-six men picked up hour and half later by German scout-boat *Annie Busse*; brought to Bremerhaven twenty-fourth, ten p. m.

GERARD.

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*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

No. 1685.]

AMERICAN EMBASSY,  
*Berlin, February 25, 1915.*

Mr. Gerard states that Commander Gherardi has been informed by the Admiralty that the vessel *Evelyn* sank in latitude 53° 52' North, longitude 6° 7' East.

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*The British Ambassador to the Secretary of State.*

No. 80.]

BRITISH EMBASSY,  
*Washington, February 25, 1915.*

SIR: You will have doubtless noticed a German allegation that the loss of the American steamship *Evelyn* was due to the action of a British warship, the commanding officer of which is stated to have



ordered the master of the *Evelyn* to steer the course which he took.

I have the honour to inform you, by direction of my Government, that the British Naval Officer who boarded the *Evelyn* gave no instructions of any kind to the master of that vessel.

I have, etc.,

CECIL SPRING RICE.

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*The German Ambassador to the Secretary of State.*

[Translation.]

J. No. 3517.]

GERMAN EMBASSY,  
Washington, March 1, 1915.

MR. SECRETARY OF STATE:

Pursuant to instructions, I have the honor to inform your excellency that the American vessels *Evelyn* and *Carib* were lost in the North Sea because, contrary to the directions given in the *Nachrichten für Seefahrer* (Notice to Marines) No. 2770-14, 3093-14 and 33-15, they ran along the East Friesian Islands by direction, as stated by the captain of the *Evelyn*, of a British warship.

The Imperial Government urgently recommends all vessels for Helgoland Bay from the coast of the Netherlands to sail up to about the fifty-fifth degree of latitude from the Terschelling Lighthouse and then steer for Listertief and there wait for a German pilot. He alone can furnish reliable information to navigate the German Bay.

The safest course is that given in No. 3161-14 of the *Nachrichten für Seefahrer*.

Accept, etc.,

J. BERNSTORFF.

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*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

No. 1728.]

AMERICAN EMBASSY,  
Berlin, March 2, 1915.

Mr. Gerard reports the return of Naval Attaché Gherardi from Bremen where he was sent to obtain the statements of the captains

of the vessels *Evelyn* and *Carib*. Both of the vessels were sunk by mines. The British gave no false directions as reported. Both of the vessels simply ran on mine field.

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*Consul Fee to the Secretary of State.*

[Extract.]

No. 304.]

AMERICAN CONSULATE,  
*Bremen, March 4, 1915.*

SIR: I have the honor to enclose herewith the reports under oath of the captain and the officers of the American steamer *Carib*, of New York, which sank with the cargo of 4,600 bales of cotton bound for Bremen from a mine explosion on the 22d of February, 1915, in a northwesterly direction a short distance from the position of the Norderney light in the North Sea.

These statements consist of the sworn affidavit of Captain Cole, first, third, and second officers, and the three engineers of the S. S. *Carib*.

Nothing was saved from the lost steamer; not even the ship papers. The crew in their haste to save themselves from the sinking vessel left with very scanty clothing, and on landing had to be furnished with an entire new outfit of new cloth.

The master with the aid of his officers made up the crew list, which is attached to this statement.

These reports were taken before and certified to by Mr. Buck, our consular agent at Bremerhaven, under my direction.

Sworn duplicates of these reports have been forwarded to the Embassy at Berlin.

On Tuesday, the 2d of this month, I forwarded Captain Edgar Cole and 24 members of the crew, including the officers of the S. S. *Carib*, together with the Dutch pilot, to Rotterdam for transportation home by American S. S. *Southerner* to the order of Furness Steamship Co., agents of the owners of the *Carib*, who met all expenses of transportation to Rotterdam, the maintenance and clothing of the crew, while at Bremen.

I have, etc.,

WILLIAM THOMAS FEE.

## [Inclosure 1.]

*Sworn Statement of Master of S. S. "Carib."*

My name is Edgar L. Cole.

I was born in Harrington, Maine, U. S. A., February 6th, 1874.

I was master of the U. S. S. *Carib*.

I have been master of her for about one year.

I have been master of several vessels and for many years for this same company, the Clyde Steamship Company, of New York.

I have never before made a trip to the Continent or to Germany.

The net tonnage of the steamer is 1,285.

We finished loading at Charleston, South Carolina, on the 26th of January, 1915, and January 27th cleared from that port for Bremen with 4,600 bales of cotton. We also had 200 tons of pig iron for ballast in the bottom of the ship in different holds.

We had about 550 tons of coal when we left.

There were 30 men in our crew, counting myself.

I first knew we were going to Bremen about 8 or 10 days before sailing. We did extensive repairs to get the ship ready for this voyage.

I had special instructions before sailing to go via the English Channel and take a pilot at Dover, who would conduct us through the Channel to the Sunk Lightship.

These instructions were given me by our agents in Charleston, Mr. Whitsit, acting for Strachan & Co., our charterers.

Both the owners and charterers believed that the Channel route would be the safest, as the English government claimed it would allow all American vessels going to Germany with cotton free passage. It was also represented that parts of the northern route were mined. One of our ships which went by the northern route, the *Denver*, had been captured and taken into Kirkwall, and on account of this these instructions to go via the Channel were issued.

I had no other special instructions from the United States.

I was equipped with United States Hydrographic charts, I think for December, but it might have been January. I also had Hydrographic bulletins, I think for December and not for January, but I am not sure about that.

I did not notice on these publications a note that vessels proceeding via the Channel should steer for Lister Deep.

I did not use the Hydrographic chart a great deal, but used mostly a modern Atlantic chart which I had bought.

I did not look for any other route, as I had orders to proceed to the Hook of Holland and procure a German pilot, and the charterers informed me that Nicolaus Haye and Company, Bremen, would have a pilot ready for me when I reached the Hook.

No one advised me of the route via Farn Island, Lindesnaes, and Lister Deep.

I received a uniformed Trinity House pilot at Nab Lightship, February 27th, and we went to the Downs that evening and anchored at 9.30 p. m. We stayed there until the 19th before we received our clearance papers.

We had a very heavy southeast storm there and the English boarding officer was unable to board us earlier. He came on board at 5 a. m. the 19th, and at 8 p. m. he gave us our clearance papers. We proceeded the following morning at 6 a. m. The pilot remained with us as far as Sunk Lightship.

The pilot told me at Downs that I could proceed either by way of Yarmouth (the Farn Island route) or via Galloper Buoy. He said that if we were going to the Hook of Holland the latter route would be the best, as Holland-American steamers were constantly going back and forth in that track. He said he was willing to go either way.

The boarding officer gave me no advice as to which route to take, but after he learned I was going to the Hook of Holland he gave me a true east course via Galloper Buoy to Schouvenbank Lightship and thence to the Maas. He showed me on the chart what he supposed to be the southern limit of the German mines and the northern limit of the English mines.

We anchored at or near North Hinder Lightship at 5 p. m. on the 19th, on account of danger from floating mines.

We proceeded on the morning of the 20th at 7.30. Between 8 and 10 o'clock that morning we passed 14 floating mines en route to Schouvenbank Lightship. I saw these 14 mines myself. They were not in one line or in one group; first I saw some on the starboard side and then some on the port side, and so on.

I thought they were new mines, because they were not rusty.

I was within 25 or 30 yards of some, and could see them well with the naked eye. In fact, we had to change our course for some of them which were dead ahead. I also saw some with marine glasses.

The mines were about four feet in diameter and round like a buoy. The mines seemed to be free and not anchored, and bounced up and down with the waves just like buoys. They all seemed to have studs on top, and I do not remember having seen any smooth ones. A long thin bar seemed to extend across the top of each mine, over the sides, and balanced on a pivot in the middle. Several of the mines were marked on the side with the letter "H." No other letters were to be seen.

I never stopped running on account of mines after leaving North Hinder. We were running full speed on the 19th, about 9 knots.

We arrived at Maas Lightship at 1.30 p. m. on the 20th, and I saw the Dutch torpedo boats. They came close to me and asked what I wanted, and I told them I wanted a pilot to take me to the Weser.

They replied that I would have to run into the Hook of Holland to get a pilot, as the pilot boat lies there.

We sailed into the Hook of Holland and anchored near the gas buoy and the Dutch pilot boat sent a pilot aboard the ship. We had the pilot flag up and they evidently thought we were bound for Rotterdam.

In talking with the pilot, he said I could get no pilot there to take me to the Weser, but said I might be able to get a pilot if I went ashore and telegraphed to Bremen for one. They took me ashore at the Hook, and there I met the chief officer of S. S. *Ocmulgee*, who told me that he had come ashore and had telephoned to the Furness Shipping Company of Rotterdam for a pilot, and they had sent one to the *Ocmulgee* and they were just going aboard the ship to sail. They had told Furness Company that the *Curib* was there and also wanted a pilot, but I could not get one that day. I called up the Furness Company and he told me to call up the company by telephone at 9 o'clock the next morning. I called him as agreed next morning, and he said the pilot would be at the Hook of Holland at 1 p. m.

The Furness Shipping Company, I think the manager of the company, suggested that I might follow the *Ocmulgee* without a pilot, but I said I would not do that, but would wait at the Hook until I secured a pilot.

We secured the pilot at 1 p. m. February 21st, and sailed about 4.15 p. m.

I did not question the pilot as to his ability or references, because the Furness Shipping Company had recommended him to me and had engaged him for me, and before I left the United States I had instructions that the Furness Company would attend to affairs for me in Holland.

The pilot told me he was a North Sea pilot and had been sent by the Furness Shipping Company. He was sober when he came on board and remained so the entire time.

I discussed with him the course we should pursue to the Weser, and he mentioned, what I already knew, that the lightships were gone. He claimed to have been master and mate on many vessels and to have sailed German waters often. He never told me that he had never piloted any American vessel to the Weser.

We were going to steer for Haaks Lightship position and had no intentions of going to Lister Deep. Then we intended to go to Terschelling Bank Lightship position: then to Boerkum Reef Lightship position; then east by south, magnetic, to 9 miles north of Norderney Lighthouse. I think we changed to this last course about 2.45 a. m.

We cast the lead frequently. We had 15 fathoms at 9 a. m., 13 fathoms at 10 o'clock, and 12½ fathoms at 10.30. We were about to heave lead again when the explosion came.

The pilot had his own chart with him and advised me when to

heave the lead. We did not want to go too close as it was quite hazy. I depended greatly upon him as he seemed to know the waters thoroughly. He appeared to be a capable pilot, and I found his courses to be correct.

We were going at full speed when the explosion occurred. We had been going at full speed all night; the pilot says it was safe to do so. The weather was somewhat hazy and at times there was a thick fog. Most of the time we were able to see about 2 or 3 miles. We saw no floating mines at all that morning.

I had just left the bridge and was down on deck when the explosion came.

I judged the ship was 10 miles north by west from Norderney Light when the explosion came. But all morning we had had the tide against us and I believe we were much more to the westward than this position. The wind was about SSW.

The first explosion occurred at 10.58 a. m., February 22nd. It seemed to strike the vessel just about amidships, and directly from below, as the ship seemed to lift. The explosion broke the ship in two and burst one of the boilers, which blew coal and steam up into the air and into the Captain's room, and almost instantly the engine room was full of water up to the cylinders. This rush of water and steam is, in my opinion, what caused the death of Third Assistant Engineer William Bazzell, Fireman Antonio Martinez, and Coal Passer Segunda Blaz, as no trace of these men could be found, although a search for them was made as thoroughly as possible.

The boats were uncovered and already swinging in the davits, as they were constantly since leaving the Channel. They were lowered immediately and the remaining 27 men and the pilot, named Kruize, rowed away from the ship.

I was unable to save any papers on account of the perilous condition of the vessel and the necessity for immediate departure.

After we had rowed about one-quarter of a mile from the ship we stopped and waited, and the last we saw of the ship through the haze and fog the stern of the vessel was just about to sink under water. This was about 20 minutes after the explosion. Then we started to make for the shore, steering a southerly course, and in about 15 minutes we heard a second explosion. We were unable to tell whether this was another mine or the second boiler exploding. We did not actually see the ship sink, on account of the thick fog, but judging from our last sight of her she went down in a very few minutes.

I have no belief that the vessel was torpedoed but feel reasonably sure she struck a mine.

I was in charge of boat No. 1 and Chief Officer Gifford was in charge of boat No. 2. There were 16 men in my boat, including the pilot, and in the other boat there were 12 men.

After rowing for about 40 minutes we sighted a German patrol

boat, *Annie Busse*, almost ahead and a little on the port bow. We had no sail set and had put out no distress signals.

As soon as we saw the *Annie Busse* we shifted our course direct for the boat, and as they had sighted we were enabled to come on board at about 12.30 p. m., after not more than 1½ hours on the water.

The patrol boat was anchored, and on account of the thick fog it was unable to bring us in until February 24th, on which date we landed at Wilhelmshaven at 1 p. m. From there we were sent to Bremerhaven, reaching the latter port at 10 p. m. the same day.

During our stay on the *Anne Busse* we were most courteously and kindly treated, and received everything necessary in the way of sleeping accommodations and food, etc.

The only men of the crew lost were those previously mentioned, Third Assistant Engineer William Bazzell, of Pensacola, Fla., Fireman Antonio Martinez, and Coal Passer Segunda Blaz, the last two of Corunna, Spain.

EDGAR L. COLE,  
*Master of S. S. Carib.*

CONSULAR AGENCY OF THE UNITED STATES,  
*City of Bremerhaven, Empire of Germany, ss:*

Subscribed and sworn to before me by the above-named Captain Edgar L. Cole, February 26th, 1915.

J. F. BUCK,  
*Consular Agent of the United States of America.*

[Seal of American Consular Agency.]

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[Inclosure 2.]

*Sworn Statement of First Officer of S. S. "Carib."*

My name is George H. Gifford.

I was born in Salem, Mass., March 24, 1875.

I have been first officer on the *Carib* since two weeks before we sailed for Germany.

I have never made a trip to Germany before.

The ship was loaded with 4,600 bales of cotton and 250 tons of pig iron as ballast.

We finished loading at Charleston, January 26, 1915, and sailed the following day at 1 p. m.

We had 30 men in our crew, including officers, when we sailed.

The captain had special instructions to proceed to the Isle of Wight to get a pilot, and from there, in case he could not get one, to proceed to Hook of Holland for German pilot. He had received these instructions from the Clyde Steamship Company before sailing.



We also had a chart from the United States Hydrographic Office, I think the one for January. We also had Hydrographic bulletins. I did not see in the bulletins any special instructions for the trip, but we were not looking for other instructions, as we were ordered to via Hook of Holland.

We had bad weather twice between Charleston and the Isle of Wight, the first time February 8th, when we had to heave to, and the second time February 13th.

The captain demonstrated himself to be an able and a capable seaman and a very good navigator. He got along well with his officers and crew and never had any trouble with them.

We reached the Isle of Wight February 14. We anchored there at 10 o'clock the same night. We got a Trinity House pilot there the next morning and proceeded to the Downs. We were detained at the Downs about 48 hours on account of bad weather. The boarding officer came on board at 5.20 a. m., February 17th, and we were cleared that night at 8 p. m., but did not leave until the following morning.

We went via Sunk Lightship and the Galloper to Maas Lightship the night of the 18th and did not attempt to go further that night on account of mines. We passed one mine at 3.45 that afternoon a half hour before we anchored. This mine was recorded in the log book as having been within 50 feet of our vessel. I did not see it.

February 19th we left for Maas by way of Schouvenbank Lightship. On that day we saw 14 mines, 13 of them between 8 and 10 a. m., and the other one about 12.45 p. m.

I saw 13 of the mines myself. They were what I took to be floating mines and jutted at least one-third out of the water. They were plainly visible a long ways off, as we had a calm sea. They were painted black and had a white letter "H." There was also a balance rod on top, thin and perhaps four feet long. I saw all mines with the naked eye and did not use the glasses.

We never saw any more mines after the 14 above mentioned.

We reached the Maas at 1.35 p. m., Saturday, the 20th. We did not anchor there. We proceeded to the Hook of Holland, reaching there at 4 p. m. the 20th. The captain went ashore immediately.

The English pilot had told us that we could get a pilot at Maas and we signaled for one there, but we had to go inside for him.

The Furness Shipping Company of Rotterdam furnished the pilot; the captain had orders to ask the Furness Company for one and he told me afterward that the pilot was from them.

I talked with the pilot a few times, and he told me he had sailed to the Weser as master, but did not say he had ever come in as a pilot. He told me he was not a Government man, but a private pilot, and claimed that North Sea pilots were not licensed. From what he said I inferred that he had been to the Weser enough times to bring in a ship in safety.



The pilot talked as though we were clear of the mines and said we were outside of them. He figured on going out farther.

We were on full speed all the time after leaving the Hook of Holland, having no reason to do otherwise.

The pilot came on board the 21st of February, at 4 p. m.

From the time we left the Downs we kept a lookout night and day, which was according to instructions from America.

The explosion occurred about 10.58, February 22, 1915.

The ship was going full speed at the time, so far as I know. The weather was somewhat thick, but only for a few minutes at a time. There was a light fog. The wind was SW. It was ebb current. The current ran about from 2 to 4 knots. When we struck the mine we were about 10 miles north by west of Norderney Lighthouse.

When the explosion came I was in my cabin. It seemed to be right amidships. At first I thought something had gone wrong in the engine room. There is no doubt in my mind that we struck a mine. I could not say just how the ship was damaged, as the explosion came from the port side and I was on the starboard side.

In 20 or 25 minutes we were in the boats which were swinging in the davits. Practically all of us remained several minutes on board and the engineers and others tried to get into the engine and fire rooms to look for the Third Assistant Engineer and fireman and coal passer, but it was impossible to get down to them on account of the rush of sea water and live steam. The three men were probably killed instantly. After we got clear of the ship we hung around for 30 or 40 minutes to see if any trace of the men could be found, but the ship's quarter deck was already under water then. I do not think the ship could have staid afloat very long.

I was in charge of boat No. 2.

We were in the boats about one or 1½ hours, and were picked up about 12.45 by the German scout boat *Annie Busse* and kept there 48 hours on account of the fog, when we were taken to Wilhelmshaven. The German officers and crew treated us most courteously and even gave up their beds for us. We reached Wilhelmshaven at noon of the 24th and arrived in Bremerhaven at 10 o'clock that night.

G. H. GIFFORD,  
*First Officer S. S. "Carib."*

AMERICAN CONSULAR AGENCY,  
*City of Bremerhaven, Empire of Germany, ss:*

Subscribed and sworn to before me by the above-named First Officer Gifford on the 28th of February, 1915.

J. F. BUCK,  
*Consular Agent of the United States of America.*

[Seal of American Consular Agency.]

## [Inclosure 3.]

*Sworn Statement of Third Officer of S. S. "Carib."*

My name is Charles H. Winnett.

I was born in Philadelphia, June 28, 1876.

I was third officer on the S. S. *Carib* and joined that vessel at Charleston, January 26th, 1915.

I never made the trip to Germany before.

We finished loading on the night of the 26th and sailed for Bremen the 27th of January.

We had 4,600 bales of cotton and pig iron as ballast. I understand that the iron was distributed in all four hatches.

We cleared from Charleston.

I do not know whether the captain had any special sailing instructions before leaving.

The captain was Edgar L. Cole.

Shortly after leaving Charleston the captain told me that he had orders to go via the English Channel and then to the Hook of Holland, where the agents were to furnish us a pilot for Germany.

I know that the captain never had any difficulties with his officers or crew.

We broke the steering gear twice, the first time February 1st, about 600 miles south of Halifax and about 900 miles east of New York, and the second time 90 miles west of the Scilly Islands, February 13th.

When the gear broke the first time, it carried away the hand gear as well, and we had nothing to go by except the steam gear.

After the steam gear had been repaired it was as good as ever.

The gear was repaired immediately after it broke.

The ship had proper charts to bring her across the Atlantic and through the Channel, but the chart of the North Sea was not a good one as it was too small. We got a new North Sea chart at the Hook of Holland which was a large scale chart and a good one.

We had the January and February Hydrographic charts from the United States Government on board.

I believe the master and pilot consulted these charts.

The master expected to be able to get proper instructions and a qualified pilot at the Hook of Holland.

We took our English pilot at Nab Lightship. He took us via the Downs to Sunk Lightship.

The British boarding officer came on board at the Downs after we had laid there about 44 hours. We anchored at Downs the night of the 17th and the boarding officer came the morning of the 19th.

His visit was delayed on account of a heavy southwest gale and a rough sea. The delay was due to weather conditions.

He detained us about 12 hours before giving us permission to proceed.

The captain discussed the voyage with the English pilot.

The pilot advised the master as to what he considered the best route to the Maas Lightship, and the pilot laid down the course on the chart, via Galloper Lightship.

We reached the Hook of Holland February 20th, at 3 p. m. about.

The captain went ashore to see about securing a German pilot, or pilot for Germany, and the Dutch sea pilot remained on board until he returned.

The captain applied to his agents at Rotterdam for a pilot.

I do not know the agents' names.

The captain told me in off-hand conversation that the agents furnished the pilot.

The pilot for Germany came on board the 21st, between 4-5 p. m.

The sea pilot went ashore then and the other pilot took charge, I presume.

I do not know the pilot's name.

I had no conversation with the pilot until 11 o'clock that night, when I called him and he instructed me to cast the lead, and we found 17 fathoms and altered the course to NE.  $\frac{1}{4}$  E.

I was on watch from 8 to 12 that night and from 8 to 11 the next morning, and during these periods had some conversation with the pilot.

The pilot claimed to be a general pilot; he claimed to be a North Sea pilot. He said he had run into the Weser but said he had not been to Bremen or Bremerhaven since the war started. He was talking about ships which run from Rotterdam to the River Plate, and I assumed he was either master or mate of a ship on that run.

He said he was not a government pilot, but a private pilot.

He said nothing about holding a license either as master or pilot.

I was informed by another pilot at the Hook that the Dutch government pilots are not allowed to leave Dutch waters, and could not make the trip to Germany.

He seemed to know how to handle the ship all right; he knew his courses and he knew his distances. As he had been sent on board by the agents, I supposed he was qualified to take us in safely, but I believe now if he had been a qualified man he would have been better posted.

During my watches on the night before and the day of the explosion the vessel was running at full speed. This was, of course, on the pilot's orders. The pilot never seemed anxious about mines.

We had double outlook on watch for floating mines. We posted double lookouts after leaving Nab Lightship.

We saw our first mines on Saturday morning, the 20th, by the North Hinder Lightship, west of there about 6 to 8 miles. We saw two groups of three mines each and passed between them, three on each side, about a quarter of a mile away from them. I saw the mines

myself. We met a Dutch ship shortly after seeing these mines and she signaled that we were standing into danger and to keep a sharp lookout.

After meeting this vessel we saw seven more mines within an hour. In all we passed 13 mines within two hours, between 8 and 10 a. m.

They were floating mines. They floated about a foot out of water and were easily distinguishable at a mile.

They were new and freshly painted, without seagrowth. They were equipped with balance bars or rods on top and were marked with the letter "H" in white. They were marked with three white letters and they may have all been "H," but we could not distinguish the other two.

We reported these mines to two Dutch torpedo boats that same afternoon.

I never saw any more mines after that, but one was reported on the next watch which I did not see.

The first night after leaving Maas, the 21st, we steered NE.  $\frac{1}{2}$  E., I think, but I am not certain. Then at 10.45 we changed the course to NE.  $\frac{1}{4}$  E. by compass. While we were on that course I went off watch. When I came on watch the next morning at 8 o'clock we were steering East by South. We took a cast of the lead at 10 o'clock and the bottom was 14 fathoms. Overcast and light fog at the time. After 10 o'clock it shut in thick and we were still steering East by South. At 11 o'clock we struck an obstruction amidships. It was within 2 minutes of 11 o'clock.

The approximate position when we struck was north and west of the position of Norderney Lightship, about 3 miles away, 13 fathoms of water by the lead.

The vessel did not lose her headway when we struck. I do not know how the tide was. The boiler burst and the steam was shut off automatically. The explosion broke the vessel in two amidships and cracked her up to the hurricane deck. There was a hole in her and when she listed to port this hole came up to the water line and could be plainly seen. The hole must have been at least 6 feet in diameter and, I presume, she was split up right from the bottom.

There was only one explosion while we were on board.

The boats had been swung out constantly since we left the Downs. In 20 minutes we were clear of the ship.

Three men were lost. They were the Third Assistant Engineer William Bazzell, and one Spanish fireman and one Spanish coal passer. These men were presumably in the after fireroom or coal bunker. That is where they would be in any case while on duty. No one in our crew saw these men after the explosion occurred, to my knowledge. The engine and boiler room space was filled with steam and water instantly, and there is no question in my mind that three men were either killed instantly or were drowned after being first rendered

unconscious by the shock. The engineers went down into the engine and boiler rooms as far as they could and looked for these men, but it was impossible to find any trace whatever of them. It was also impossible to remain long, on account of the volume of water pouring into hole from the sea. I am satisfied that all possible was done to find the men, and that they were not abandoned until danger made it absolutely imperative.

I was in the captain's boat. After we had cleared we heard one more explosion, about 25 minutes after clearing, and we believe it to have been a second mine. As soon as we got a short distance away the ship was closed in by the fog, and we did not see her sink. There is no question in my mind that she sank very soon; she was down by the stern and a heavy port list, her port rail being under when we last saw her.

When we cleared the vessel, we steered south by west by boat compasses, trying to make the beach.

About 12.45 we were picked up, after a little more than one hour in the boats.

The German patrol boat *Annie Busse* picked us up and kept us on board 48 hours, because the ship could not come in on account of fog. We were treated very courteously on the boat, and the German officials, officers, and crew did all they possibly could to make us comfortable. We were landed in Wilhelmshaven at 11.30 a. m. the 24th of February, and were sent to Bremerhaven, reaching here at 10 p. m. same day.

The morning of the explosion we saw no other vessels, no buoys, and no mines. No land or seamarks of any kind were to be seen.

CHARLES H. WINNETT,  
*Third Officer S. S. "Carib."*

AMERICAN CONSULAR AGENCY,

*City of Bremerhaven, Empire of Germany, ss:*

Subscribed and sworn to before me by the above-named Third Officer Winnett on the 28th of February, 1915.

J. F. BUCK,  
*Consular Agent of the United States of America.*

[Seal of American Consular Agency.]

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[Inclosure 4.]

*Sworn Statement of Second Officer of S. S. "Carib."*

I, Jesse Boyd, born in New York City March 2, 1870, second officer of the steamer *Carib*, having been duly sworn, do hereby depose and

say that I have read carefully the foregoing sworn statement of Third Officer Winnett, of the S. S. *Carib*, regarding the voyage we jointly made in the said steamer from Charleston to Bremen, with special reference to the sinking of said steamship *Carib* on the morning of Feb. 22, 1915, and depose further that said sworn statement of Third Officer Winnett is, according to my knowledge, in every way correct and true; and I further depose and say, that I know of no details concerning the sinking of the above-mentioned steamer *Carib* which would either detract from, or add to, the said sworn statement of Third Officer Winnett.

In testimony whereof, witness my hand at Bremerhaven this 28th day of February, 1915.

JESSE BOYD,  
*Second Officer S. S. "Carib."*

AMERICAN CONSULAR AGENCY,

*City of Bremerhaven, Empire of Germany, ss:*

Subscribed and sworn to before me this 28th day of February, 1915.

J. F. BUCK,  
*Consular Agent of the United States of America.*

[Seal of American Consular Agency.]

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[Inclosure 5.]

*Sworn Statement of Chief Engineer George S. Keowen,  
of S. S. "Carib."*

My name is George S. Keowen.

I was born in Brooklyn, January 10, 1875.

I never made the trip to Germany before.

I joined the S. S. *Carib* November 29, 1912, as chief engineer.

So far as I know, the vessel was absolutely in a seaworthy condition. Her boilers were sound.

We left Charleston for Bremen January 27th, 1915.

On the trip from Charleston to the Isle of Wight we encountered two severe storms, and the steering gear parted on both occasions. The first time the steam steering chain broke, and on the second occasion a rod on the starboard side broke. Repairs were made as soon as possible, and as far as I knew the steering gear was placed in as good shape as ever.

We took the English pilot at the Isle of Wight.

During the entire trip everything was in good condition in the

engine and boiler room, with the exception of six boiler tubes, which had to be plugged.

I saw eight mines myself, after leaving North Hinder, on the 19th of February.

I should judge that the nearest we came to these mines was about 500 feet.

Having no glasses, I could not see the mines clearly. I saw that one mine at least had the letter "H" painted in white. The mines looked like ordinary buoys with a stick across the top; some were black and some were red.

We left Mass Lightship on Feb. 21st. After leaving we ran up to about 9 knots per hour, on an average, steadily up to the time of the explosion. I received no orders to slow the speed down.

Our full speed in fair weather is about 10 knots per hour, and when the sea is rough and we have bad weather our full speed was 6 or 7 knots per hour.

The explosion occurred at about 11 o'clock on the morning of the 22nd of February. The vessel was running at about 9 knots. It was hazy and we could not see over two or three miles. Everything was in order in the engine rooms.

When the explosion came it caused one of the two boilers to explode, and in all probability one of the boilers was lifted out of the saddle and the steam pipe was broken, because with the explosion of the mine the engine room was completely filled with steam and it was impossible to see anything. The first look I had the water (sea water) covered half of the cylinder. The vessel lost her headway almost instantly; the engine probably made not more than 10 or 15 revolutions. It was out of the question to attempt to shut off the steam, and the breaking of the steam pipe rendered the engine absolutely impossible to control.

At the time of the explosion the Third Assistant Engineer, William Bazzell, was in charge of watch; Frank Redmond, oiler, two firemen, and one coal passer were on watch. Of these five men, the oiler and one fireman were saved; the Third Assistant Engineer, Bazzell, Fireman Antonio Martinez, and Coal Passer Segunda Blaz lost their lives. I could not say how they lost their lives, but I think they must have been killed instantly, either by the rush of scalding steam or inpouring sea water. Two attempts were made to reach these men, but unsuccessfully. I and the first assistant, Mr. Hubbel, went back twice, but the water was so high we could not enter the engine room, and the live steam also prevented us.

We got into the boats then, and in about 20 minutes we had cleared the vessel. I was in No. 2 boat. We waited a short distance from the ship for over 30 minutes, to see if there was a trace of life on board, but saw nothing more of the missing men.

We were picked up by the German scout boat *Annie Busse* after



about one and one-half hours, and after 48 hours' delay on account of fog were taken in to Wilhelmshaven and later sent to Bremerhaven, arriving at the latter city at 10 o'clock at night, February 24th.

GEORGE S. KEOWEN,  
*Chief Engineer S. S. "Carib."*

AMERICAN CONSULAR AGENCY,

*City of Bremerhaven, Empire of Germany, ss:*

Subscribed and sworn to before me by the above-named Chief Engineer George Keowen on the 28th of February, 1915.

J. F. BUCK,  
*Consular Agent of the United States of America.*

[Seal of American Consular Agency.]

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[Inclosure 6.]

*Sworn Statements of First and Second Engineers Assistants of S. S. "Carib."*

We, Frank Hubel, born at Westfield, Connecticut, October 10, 1880, and Thomas P. Tracy, born in New York City, May 30, 1881, the first and second assistant engineers, respectively, of the steamer *Carib*, having been duly sworn do hereby depose and say that we have read carefully the foregoing sworn statement of Chief Engineer George Keowen of the S. S. *Carib*, regarding the voyage we jointly made in the said steamer from Charleston to Bremen, with especial reference to the sinking of said steamship *Carib* on the morning of February 22nd, 1915, and depose further that said sworn statement of Chief Engineer Keowen is, according to our knowledge, in every way correct and true; and we further depose and say, that we know of no details concerning the above-mentioned sinking of the S. S. *Carib* which would either detract from, or add to, the said sworn statement of Chief Engineer Keowen.

In testimony whereof, witness our hands at Bremerhaven this 28th day of February, 1915.

FRANK HUBEL,  
*First Asst. Eng. S. S. "Carib."*

THOS. P. TRACY,  
*Second Asst. Eng. S. S. "Carib."*

AMERICAN CONSULAR AGENCY,

*City of Bremerhaven, Empire of Germany, ss:*

Subscribed and sworn to before me this 28th day of February, 1915.

J. F. BUCK,  
*Consular Agent of the United States of America.*

[Seal of American Consular Agency.]



*The German Ambassador to the Secretary of State.*

[Translation.]

J. Nr. B 4884.]

GERMAN EMBASSY,  
Washington, D. C., March 26, 1915.

MR. SECRETARY OF STATE:

Referring to your Excellency's kind note of the 5th instant about the sinking of the American steamer *Evelyn*, I have the honor to make to your Excellency the following communication:

The investigation of the *Evelyn* and *Carib* casualties brought to light the fact that the vessels had on board Dutch, not German pilots. Those pilots appear to have been furnished by the Rotterdam branch of the English Furness Steamship Company. Those pilots according to the inquiries made are not competent to navigate German waters. It was found, for instance, that H. Benne, the pilot taken by the steamer *Osmulgu*, who was formerly a Dutch district pilot but is already on the pension list, declared he knew nothing of a certain sailing direction for the German coast which is enough to show that he is not fit to steer a vessel to Germany. As a matter of fact he did not ever observe the sailing directions issued by the German Admiralty for the German coast and it was just luck that saved the *Osmulgu* from the fate of the *Evelyn*.

The master of the *Evelyn* declared that he sailed through the Channel and had a mine pilot along the English coast. It seems that the English officer who came on board with the pilot told him that he should steer not the Northern course but the Southerly course below the East Friesian Islands, which was the course taken by the other steamers. Whereupon he steamed for Rotterdam and there took a pilot. On being asked why he had not steered for Listertief, he replied that he had left everything to the pilot.

According to his chart the casualty occurred fifty-three degrees fifty-two minutes north six degrees seven minutes east. The pilot who had the looks of an old Dutch fisherman and made a rather unfavorable impression declared that he had steered that course because he had heard that other ships had taken it. In reply to a question he said that he had never come with a ship into the German Bay since the war began.

In order to avert further casualties as much as possible I have the

honor to leave it to your excellency kindly to consider whether it may not be advisable to warn in such manner as may seem appropriate the American steamship companies concerned against applying to the above mentioned firms for pilots. I make this recommendation all the stronger as there is reason to suspect that the enemy will spare no efforts to expose ships bound for Germany to danger and that influence is possibly brought to bear on the pilot service. I would in this connection again repeat that the course recommended in the *Nachrichten für Seefahrer*, No. 3161/14, North around Scotland to the guiding buoys of Listertief offers the least danger.

Accept, etc.,

J. BERNSTORFF.

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NACHRICHTEN FÜR SEEFÄHRER.

[No. 52—Berlin, 1 October 1914. p. 898.]

III. NORTH SEA.

2770/14. Germany—North Sea—Making for harbors.  
H. 8088/14. Berlin, September 26, 1914.

The course of merchant vessels bound for German North Sea ports in the Jade, Weser, Elbe, and Eider is set at the Listertief steerage buoy. The course for the Ems remains as in peace. The directions of N. F. S. 14-2248. Figure 2 paragraph 2 and No. 2423, paragraph 3, are at the same time superseded.

Approximate position of the Listertief Steerage buoy:

55° 3¾' N.; 8° 17½' W.

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NACHRICHTEN FÜR SEEFÄHRER.

[No. 52—Berlin, 1 October 1914. p. 1006.]

III. NORTH SEA.

3093/14. German Bay (Deutsche Bucht). Sailing regulations.  
H. 9342. November 4, 1914.

Supplementing N. F. S. 2770 the following directions are issued for the regulation of navigation in the Deutsche Bucht of the North Sea:

1. Steamers may not steer for the German Coast, sail in or out of the mouths of rivers except between sunrise and sunset and then in clear weather only. Vessels which attempt to make way in darkness, fog, or dim weather are liable to be fired on.

2. All merchant steamers bound for the Eider, the Elbe, the Weser, and the Jade must first head for the Listertief steerage buoy. Those bound for the Ems make directly for that river.

3. From the Listertief buoy on in the very interest of the ship's safety unconditionally obligatory pilot service is prescribed. Pilots will be furnished from the pilot steamer lying there. The pilot's directions are to be followed unconditionally. Whoever fails to do so or attempts to steer for the German bay without a pilot incurs great danger.

4. If on account of bad weather or other causes the ships can not get a pilot they must drop anchor or put back to sea.

5. Outgoing steamers receive their pilots and other instructions from the port authorities.

6. The same rules apply to foreign warships.

7. Navigation by sail to and from the harbors of the German Bay of the North Sea is totally stopped because of the danger therein involved.

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#### NACHRICHTEN FÜR SEEFÄHRER.

[No. 62—Berlin, November 10, 1914. p. 1029.]

3161/14. Navigation of the North Sea—Announcement. A IV.  
11563, November 9, 1914.

The British Government on November 2, 1914, issued, on the basis of a false accusation that Germany had, with hospital ships and merchant vessels under a neutral flag, laid mines and reconnoitered in the North Sea, a notice to mariners sailing to and in the North Sea, which recommended to vessels, on the pretext of danger from mines in the North Sea, to pass through the Channel, the Downs, and along the English coast and warned them against sailing through the North Sea and around the Orkney and Shetland Islands.

In contradiction of this it is pointed out that the waters of the Northern North Sea, including the line running from the Hebrides across the Faroe islands to Iceland, the waters along the Norwegian Coast and in the Skagerrak, are generally so deep as to exclude all laying of mines. On the other hand it is known that in the South of the North Sea and in the Channel a number of mines, and, as has been ascertained, mines of English and French origin, are drifting

about that have not been deadened, and that at many places of the course along the English Eastern Coast recommended by England mines have been laid of which several were run into adrift lately.

The course recommended by England, through the Channel, the Downs, and along the English East Coast is therefore very dangerous to shipping, while the course through the North of the North Sea is free of mines and therefore free of danger.

(See N. F. S. 14-262.)

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*Ambassador Gerard to the Secretary of State.*

No. 661.]

AMERICAN EMBASSY,  
*Berlin, April 12, 1915.*

SIR: I have the honor to transmit herewith enclosed a translation of a Note received from the German Foreign Office relative to the sinking of the American cotton steamers *Evelyn* and *Carib*.

I have, etc.,

JAMES W. GERARD.

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[Inclosure.]

FOREIGN OFFICE,  
*Berlin, March 10, 1915.*

NOTE VERBALE.

With reference to its Note Verbale of the 3d instant, No. 11 U 901, the Foreign Office has the honor to inform the American Embassy that from now available investigations and reports in the matter of the American cotton ships *Evelyn*, *Carib*, and *Ocmulgee*, it is established that the loss of the two steamers *Evelyn* and *Carib* is to be ascribed to the captains and to the inadequacy of the pilots taken by them. The captains did not observe the directions given them in the United States and the pilots undertook a task to which they were in no way equal.

As the Admiralty has already directly informed the Embassy Naval Attaché, the captains and crews have complete freedom of action.

THE AMERICAN JOURNAL OF INTERNATIONAL LAW

CASE OF THE "GREENBRIAR."

*Consul General Listoe to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*Rotterdam, April 3, 1915.*

Consul Fee, Bremen, wires steamer *Greenbriar*, Captain Dalton,  
d April first Bremerhaven New York with General cargo sunk  
l second apparently mine explosion near North Frisian Island  
rum. All thirty-eight members crew saved.

LISTOE.

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CASE OF THE "GULFIGHT."<sup>1</sup>

*Consul Stephens to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Plymouth, (Received) May 3, 1915.*

American tank steamer *Gulfight* torpedoed off Scilly first instant.  
Captain died heart failure, body landed. Two of crew drowned,  
thirty-four saved. Vessel afloat, patrol boats attempting tow her into  
Scilly.

STEPHENS.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, May 3, 1915.*

Reported American tank steamer *Gulfight* torpedoed off Scilly  
May first. Please obtain detailed report and forward Department

<sup>1</sup> For additional correspondence concerning the *Gulfight*, see Special Supplement, 1915, pp. 129-141.

immediately. Cabling American Consul Plymouth to-day for detailed report.

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BRYAN.

*Consul Stephens to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Plymouth, (Received) May 3, 1915.*

*Gulflight* towed into Crow Sound, Scilly, by British patrols. German torpedo struck bluff bow vessel down by head free board forward about two feet fore hold full cargo apparently undamaged. Blowing gale southeast.

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STEPHENS.

*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*London, May 4, 1915.*

*Gulflight.* Boness, second mate, reports thirty-three survivors now in Penzance, first mate and engineer remaining St. Marys to care for ship now anchored east side island. Seaman Chapenta and Wireless Operator Short drowned. Captain Gunter dead; shock. Submarine sighted twenty-five minutes before *Gulflight* struck.

SKINNER.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 2042.]

AMERICAN EMBASSY,  
*London, May 4, 1915.*

British Admiralty has charge of steamer *Gulflight* now at Scilly Islands, but are on the point of turning it over to the salvage

company. Officers and crew are at Penzance. I am sending Lieutenant Towers and Naval Constructor McBride to Scilly to-day to make investigation and have instructed Consul at Plymouth to mail me depositions of ship's officers and crew.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

No. 1514.]

DEPARTMENT OF STATE,  
Washington, May 6, 1915.

Gulf Refining Company informs Department that *Gulflight* was torpedoed without warning while "following British patrol boats to Bishop." Please ascertain immediately from ship's officers and crew or other persons whether *Gulflight* was under convoy or protection of patrol boats, and, if not, what communication passed between them, and why the *Gulflight* was following patrol boats.

BRYAN.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
London, May 7, 1915.

Towers and McBride have visited *Gulflight*, examined ship, and taken sworn depositions of Smith, former chief officer, now master, Boness, second officer, Butterworth, chief engineer, and Crist, assistant engineer. Full report follows by mail. Established facts are as follows: At 11 a. m. May 1, when 25 miles west of Bishops Rock Light, *Gulflight* was picked up by British naval patrol boats *Iago* and *Filey*, and was directed to follow them toward Light, *Iago* taking position on starboard quarter and *Filey* on port bow. About 12.20 p. m. submarine in awash condition without visible flag or distinguishing marks was sighted by officer of watch bearing about five degrees on port bow distant about two miles. After five minutes and when bearing dead

ahead submarine disappeared and no further sign of her was seen. At this time American flag size ten feet by six feet was flying to breeze on after flagstaff. About 12.50 p. m. heavy explosion occurred starboard side forward. Wireless Operator Short and Seaman Chappenta jumped overboard and were drowned. Remainder crew and officers immediately left ship in lifeboats, were picked up by *Iago*, and were taken to St. Marys, Scilly Islands, following morning. Captain Gunter died on *Iago* during night, coroner's inquest determines cause of death as heart failure. Damage to ship consists in large hole starboard side between frames three and seven; extreme dimensions thirty-two feet longitudinally by twenty-five feet vertically, also eight small holes in port side opposite, largest being four feet by three feet. Forepeak chain locker pump room, forehold, and forward bunker oil tank flooded; damage to cargo confined to five hundred barrels lubricating oil in forehold. Not possible yet to search forehold for fragments. Forehold has therefore been sealed to prevent tampering with view to examination as soon as accessible. Master and chief engineer now with ship. Underwriters representative, on scene, advises temporary measures to correct time and strengthen number eight bulkhead to permit vessel to safely continue voyage to Rouen. Master is acting on his advice.

Towers and McBride express qualified opinion that injury is probably due to torpedo explosion. In conversation they express a moral though not technical certainty that ship was torpedoed.

Consul at Plymouth should be instructed to permit vessel to proceed under Captain Smith with alien officers and crew if other persist in refusal to return to ship.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*Berlin, May 7, 1915.*

German Admiralty has as yet no news as to *Gulflight*. Will report as soon as information obtained.

GERARD.



*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase.]

No. 2068.]

AMERICAN EMBASSY,  
*London, May 10, 1915.*

Mr. Page reports that it appears that Captain of *Gulflight* complied, without raising any question, with the signals of British patrol boats to proceed under their convoy. Further inquiries are being made of British Admiralty.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase.]

No. 2095.]

AMERICAN EMBASSY,  
*London, May 13, 1915.*

Mr. Page amplifying his report on the vessel *Gulflight* states that he is informed by the British Government that no mines anywhere in the vicinity of the Scilly Islands have been laid by the British authorities.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase.]

No. 2105.]

AMERICAN EMBASSY,  
*London, May 17, 1915.*

Mr. Page reports that it is stated by Captain Smith of the vessel *Gulflight* that the conversation between the commander of the British patrol boat *Filey* and the late Captain Gunter of the *Gulflight* was to the effect that Captain Gunter in stating that the *Gulflight* was bound for Rouen inquired when a French pilot could be secured. The patrol boat replied that a French pilot could not be secured there and the *Gulflight* was directed to follow the patrols to the Bishop Rock.

In reply to Mr. Page's inquiry the British Admiralty states that the convoying ships are now at sea out of communication but as soon as they return the details will be obtained.

CASE OF THE "NEBRASKAN."<sup>1</sup>

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 2166.]

AMERICAN EMBASSY,

London, (Received) May 26, 1915.

2166. Urgent. Report at midnight last night to British Admiralty from Landsend state that American steamer *Nebraskan* torpedoed 40 miles south by west of Southcliffe, crew taking to boats.

British trawler standing by now reports *Nebraskan* still afloat and making for Liverpool with four holds full of water. No lives reported lost.

PAGE.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 2172.]

AMERICAN EMBASSY,

London, May 26, 1915.

British Admiralty have report from Queenstown that *Nebraskan* is now on her way to Liverpool under her own steam and is being escorted. I am sending naval attaché to Liverpool to examine the ship, which it now appears was outward bound from Liverpool for Delaware Breakwater at the time she was torpedoed.

PAGE.

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*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,

London, May 27, 1915.

Greene, master of American steamer *Nebraskan*, in wireless addressed to me via Landsend, reports:

*Nebraskan* passed Fastnet Rock Tuesday 4.33 p. m. from Liverpool bound to Delaware Breakwater in ballast at 8.24 p. m. When steamer

<sup>1</sup> For additional correspondence concerning the *Nebraskan*, see Special Supplement, 1916, p. 162.

was about 48 miles west half south from Fastnet she experienced violent shock followed instantly by terrific explosion bursting hatches and throwing hatch beam cargo derricks and twisted iron into air filling lower hold forward completely with water. Crew immediately took to boats. After standing by ship one hour returned on board and at 10.30 started for Liverpool. About 1.25 a. m. met two vessels sent by British Admiralty in answer to our wireless call and one has been in attendance ever since. It was dusk when explosion occurred. Flag had been hauled down five minutes before. Steamer's name painted on both sides ship in letters six feet tall. Had no warning and saw nothing.

SKINNER.

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*Consul Washington to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
Liverpool, May 28, 1915.

*Nebraskan* chartered White Star Line, water ballast. Shock followed by explosion 8.24 evening May 25, latitude 51.14 N., longitude 10.52 W. Captain and officer watch say flag lowered ten minutes before explosion. Chief engineer only person saw track approaching torpedo. Captain, officer watch, and chief engineer say light time explosion sufficient see two thousand feet. Name and port painted both sides letters six feet high. Lieutenant Towers, Constructor McBride making further examination *Nebraskan* to-day. They will photograph in dry dock next week.

WASHINGTON:

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*Consul Washington to the Secretary of State.*

No. 383.]

AMERICAN CONSULATE,  
Liverpool, May 28, 1915.

SIR: I have the honor to report that information having been obtained that the *Nebraskan* was due on the evening of the 27th instant, arrangements were made to board her through the courtesy of the White Star Company as she arrived at the Mersey Bar.

The Assistant Naval Attaché, Lieutenant Towers, arrived in Liverpool under instructions from the Embassy in the early afternoon, the

White Star Line courteously allowing him and Mr. McBride, of the Construction Corps, U. S. N., who accompanied him, to also proceed on the tug to the Bar to meet the *Nebraskan*.

Affidavits were taken of the Captain, the officer on watch at the time of the explosion, and of the Chief Engineer, the only person on board who saw any indication of a torpedo approaching the ship. The captain of the *Nebraskan* later told me that a reluctance to make an affidavit, which I had observed on the ship, of the Chief Engineer, was due to the fact that he was, by reason of the sentiments which he entertained, disinclined to state that he had seen anything that indicated that the vessel was struck by a torpedo, presumably fired by a submarine of a country with which he was in sympathy.

These affidavits will be delivered to the Embassy in London by the Assistant Naval Attaché, it being understood that the contents will be more rapidly transmitted to the Department, and also that as the Ambassador had instructed the Assistant Naval Attaché to proceed to Liverpool to investigate that the affidavits should be taken by him to the Ambassador.

A brief summary of the information listed in the affidavits is that the *Nebraskan* at 8.24 p. m. May 25th, while in Latitude 51.14 N., Longitude 10.52 W., experienced a severe shock, and that after a short but marked interval there was a loud explosion, which did serious damage to the fore part of the vessel, fortunately hurting no one seriously.

The *Nebraskan* was under charter by the White Star Company for the return voyage and was proceeding in water ballast with no cargo to the Delaware Breakwater.

It was early dusk when the explosion took place; there was also moonlight, and the words "NEBRASKAN of New York" were painted in white letters six feet tall on each side of the ship. It was the opinion of the Captain that objects were clearly visible for at least 2,000 feet.

The American flag had been flown since leaving Liverpool until about ten minutes before the explosion occurred. It was immediately after the explosion rehoisted.

The crew left the vessel, but returned in an hour's time.

The *Nebraskan* was escorted to the Mersey Bar, and the Captain is to-day writing a letter to the Admiralty expressing appreciation.

The *Nebraskan* was put alongside dock at 11 p. m., May 27th, and will shortly go into dry dock, when it is the purpose of Lieutenant Towers and Naval Constructor McBride to photograph her.

These circumstances were reported to the Department in condensed form by cable, which is confirmed under a separate cover.

I have, etc.

HORACE LEE WASHINGTON.

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*Ambassador W. H. Page to the Secretary of State.*

No. 1511.]

AMERICAN EMBASSY,  
London, May 28, 1915.

SIR: With reference to my telegram of to-day's date, No. 2186, I have the honor to transmit herewith enclosed the detailed report made by Lieutenant Towers, Assistant Naval Attaché of this Embassy, on the case of the American steamer *Nebraskan* and depositions of three of the ship's officers made before the Consul at Liverpool.

I have, etc.

PAGE.

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[Inclosure 1.]

*Report of Assistant Naval Attaché Towers.*

In accordance with the verbal instructions of the Ambassador to investigate the case of the *Nebraskan*, on May 27, accompanied by Naval Constructor McBride, I proceeded to Liverpool. On arrival there we proceeded to the American Consulate. The Consul had arranged with the White Star Line for our passage down to the mouth of the Mersey on the tug which they were sending to meet the *Nebraskan*; accompanied by the Consul we went on board the tug and proceeded down to the bar.

The *Nebraskan*, convoyed by a naval trawler, came up about 6.30 p. m., and we went on board. After an examination of the injured portion of the ship, so far as such examination could be made at sea, we obtained the depositions of the Captain, Chief Engineer, and Third Officer of the ship. No one else could be discovered who could give any statement of importance.

The ship arrived at the Canada Dock at 10.30 p. m., and was moored. An examination of the hull and spaces was made on the next day. Arrangements were made for dry docking at Birkenhead on May 29, when a complete inspection will be made.

The following was brought out by the depositions and examinations:

The steamship *Nebraskan*, Captain John S. Greene, of 2,824 tons net, of the port of New York, and owned by the American Hawaiian Steamship Company of New York City, was under charter to the White Star Line for a voyage from New York to England and return. She had discharged a cargo at Liverpool, and on the afternoon of May 24, 1915, sailed from Liverpool for Delaware Breakwater, in ballast. She had painted on each side amidships "*Nebraskan*, New York" in white letters six feet high, and was flying the American flag. She had received no advice or instructions from any Government official as to course to steer. Nothing unusual occurred until the evening of May 25. The weather at that time was clear, and the ship was proceeding on her course at a speed of about 12 knots. At about 8.10 p. m. the officer on watch gave orders to haul down the flag, as the sun had set and the ship was also getting well out to sea. At 8.24 p. m., the ship then being in Lat.  $51^{\circ} 14'$  N., Long.  $10^{\circ} 52'$  W., a streak of white foam was noticed on the starboard side, perpendicular to the ship, and almost instantly a severe shock was felt, followed by a violent explosion on the starboard side, abreast No. 1 hold. At this time the light was good, and the name on the sides could have been distinguished for at least 2,000 feet. The hatch covers and beams of No. 1 hold and the cargo booms above same were blown into the air, and also quantities of débris and oil. The oil came from the double bottom compartments, which were used as fuel oil tanks. Pieces of side and bottom plating were blown through two decks, and the ship was generally cut up around this hold, especially on port side. None of the crew were seriously injured; two men suffered cuts and bruises and several had narrow escapes. The hold immediately filled with water and the ship settled by the head. The captain stopped the engines; the fires were turned out, and the crew took to the boats. Before leaving the ship the captain sent a wireless call for assistance and received a message from the British Admiralty stating that assistance was being sent. After lying off for about an hour the captain and crew returned to the ship and headed her for Liverpool. At 1.30 a. m. on the 26th two British vessels came up, and one of these convoyed the ship to the mouth of the Mersey. The return trip was made at a speed of from six to eight knots, and was without incident. While in clear water it was possible to see, by looking down from the top of No. 1 hatch, the large hole in the starboard side of the ship; no holes were seen on port side.

From the accounts of the witnesses, and an examination of the ship, I am firmly convinced that the ship was torpedoed, and it seems probable, from the apparent results, that the torpedo punctured the skin of the ship before it exploded, as the effect on the interior structure of the ship was very great, and as a comparatively small amount of water was thrown on deck. A further examination, made when the ship is in dry dock, may result in more evidence, though I

do not consider that more evidence is necessary to establish the fact beyond doubt.

J. H. TOWERS.

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[Inclosure 2.]

*Deposition of John S. Greene, Captain of the Steamship "Nebraskan."*

KINGDOM OF GREAT BRITAIN AND IRELAND,

*County of Lancaster, City of Liverpool, ss:*

I, John S. Greene of San Francisco, aged 48 years, captain of the steamship *Nebraskan*, of 2,824 tons net, of New York, owned by the American Hawaiian Steamship Company of New York City, N. Y., now at the time of making this affidavit under Charter to the White Star Line, said Charter having been made in New York May 1st, 1915, do depose and say:

I left in my vessel, the *Nebraskan*, from Liverpool for Delaware Breakwater, at 5.7 p. m., May 24, 1915, in water ballast.

The name of my vessel, "*Nebraskan* of New York," appeared in letters six feet in height amidships on both sides of the vessel; the name of the vessel and home port is clear and distinct.

We passed the Fastnet Rock at 4.33 p. m. on May 25th. At 8.24 p. m. in Lat. 51.14 N., Long. 10.52 W., the ship met with a violent shock, followed instantly by a terrific explosion, bursting No. 1 hatches and deck, abreast of No. 1, throwing hatch beams and cargo derricks 30 feet in the air, and filling No. 1 lower hold completely with water. The engines in the ship were stopped and boats lowered and filled with the crew. We stood by ship for about one hour in the boats, and as there was no further explosion I ordered the crew on board again.

At the time of the explosion I have just described the weather was clear and it was just coming dusk; the moon was up and the light was sufficiently good in my opinion to enable the name of the vessel on the ship's sides to be distinguishable for a distance of 2,000 feet.

I estimate the explosion to which I have referred occurred about ten minutes after I had lowered the American flag, which I had continued to fly up to that time at the stern of my vessel since leaving Liverpool.

I further state that neither before leaving Liverpool, nor up to the time of the explosion to which I have referred, did I receive any instructions or advice from any official of a belligerent nation in regard to courses to steer on my return passage to America.

Before I left the ship I caused the wireless operator to return to the vessel from the boat and send the signal "S. O. S." I received a wireless message from the British Admiralty that assistance was being sent. After returning to the ship from the small boat the boats



were hoisted clear of the water and course shaped for the Fastnet. Proceeded slowly up to 1.30 a. m. on the 26th, and we met two British vessels sent to our assistance by the British Admiralty in answer to our call, one of which accompanied us to Liverpool. The captain of this vessel ordered me to put out the running lights and advised me to keep well off the Fastnet Rock Light, which rock we passed fifteen miles off. We proceeded slowly under our steam and arrived in the river Mersey, Liverpool, May 27, 1915, at 8.35 p. m.

There were no deaths resulting from this explosion referred to, but three men suffered minor injuries.

JOHN S. GREENE.

Subscribed and sworn to this 27th day of May, 1915, before me,  
HORACE LEE WASHINGTON,  
*American Consul, Liverpool, England.*

[Seal of the American Consulate.]

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[Inclosure 3.]

*Deposition of Wilfred Harold Senior, Third Officer of the Steamship  
"Nebraskan."*

KINGDOM OF GREAT BRITAIN AND IRELAND,

*County of Lancaster, City of Liverpool, ss:*

I, Wilfred Harold Senior, of 197 Athens Street, Boston, Mass., aged 22 years, do hereby depose and say as follows:

I am the Third Officer of the American steamship *Nebraskan* and came on watch at 8 o'clock on the evening of May 25th. Shortly after I came on watch, it then being sunset, I had the colors hauled down. At 8.24 a violent explosion occurred forward, and I saw the hatch covers of No. 1 hatch and the cargo booms above same fly into the air. The oil from the fuel tanks was blown all over the forward end of the ship. On the orders of the captain I stopped the engines and then went down and helped to get the boats away. After lying off in the boats for about an hour we returned to the ship.

At the time of the explosion to which I have referred it was twilight, with a bright moon and objects could be distinguished a considerable distance.

WILFRED HAROLD SENIOR.

Subscribed and sworn to this 27th day of May, 1915, before me,  
HORACE LEE WASHINGTON,  
*American Consul, Liverpool, England.*

[Seal of the American Consulate.]



[Inclosure 4.]

***Deposition of Frank Chester Yandell, Chief Engineer of the Steamship "Nebraskan."***

**KINGDOM OF GREAT BRITAIN AND IRELAND,**

***County of Lancaster, City of Liverpool, ss:***

I, Frank Chester Yandell, of 1445 Seventy Sixth Street, Brooklyn, N. Y., do depose and say that I am the Chief Engineer of the steamship *Nebraskan* of New York; that I sailed in the said vessel from the port of Liverpool on May 24th, 1915, for Delaware Breakwater; that at about 8.30 p. m. on May 25, 1915, I was on deck, amidships, starboard side, when I noticed a white streak in the water about fifty feet away, apparently abreast of No. 2 hold and about perpendicular to the side of the ship. Immediately after I felt a jar, followed by a violent explosion. I went to the Engine room and found that the 3rd Assistant had stopped the Engines; stopped fuel oil pump and shut off all fires. We left the engine room and got ready to abandon the ship. We took to the boats for about an hour and then returned to the vessel.

At the time the explosion took place to which I have referred, it was early dusk but all objects were distinctly visible.

**F. C. YANDELL,**  
***Chief Engineer.***

Subscribed and sworn to this 27th day of May, 1915, before me,  
**HORACE LEE WASHINGTON,**  
***American Consul, Liverpool, England.***

[Seal of the American Consulate.]

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***The Secretary of State to Ambassador Gerard.***

[Telegram—Paraphrase.]

**DEPARTMENT OF STATE,**  
***Washington, June 2, 1915.***

Mr. Bryan informs Mr. Gerard that evidence supplied thus far regarding S. S. *Nebraskan*, an American vessel leaving Liverpool, indicates that she was hit by torpedo May 25, in the evening. He asks Mr. Gerard whether report of this attack has been received by German Government.

*Ambassador W. H. Page to the Secretary of State.*

No. 1531.]

AMERICAN EMBASSY,  
London, June 2, 1915.

SIR: With reference to my despatch No. 1511 of the 28th of May, I have the honor to transmit herewith enclosed a copy of a supplementary report on the American steamer *Nebraskan* after the vessel was placed in dry dock at Liverpool made under my direction by Naval Constructor McBride, Assistant Naval Attaché to this Embassy and submitted to me by Lieutenant Towers, Acting Naval Attaché.

The metallic fragments mentioned in the report as having been found in the ship are forwarded by this pouch.

I have, etc.,

WALTER HINES PAGE.

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[Inclosure.]*Report of Assistant Naval Attaché McBride.*OFFICE OF NAVAL ATTACHÉ,  
*American Embassy, London, 1st June, 1915.*

From: Naval Constructor L. B. McBride, U. S. N.

To: The Ambassador.

Subject: S. S. *Nebraskan*.

I have the honor to deliver herewith six fragments of metal recovered from the American Hawaiian S. S. *Nebraskan*, together with seven photographs showing the vessel as she appeared when first making port in Liverpool and showing the location and nature of the damage to the vessel.

The forehold and upper and lower tween decks in wake of the damage were filled with a mass of several tons of splintered wood and with fragments of the ship's structure. This mass of débris was cleared from the ship on Sunday, May 30, by a gang of labourers under charge of the company having the contract to repair the ship. I was personally present during this entire operation, and I gave orders to the foreman of the labourers and to the labourers personally that no fragments of metal were to be taken from the ship until I had examined them. With the assistance of the Chief Engineer of the *Nebraskan* I personally examined, in so far as it was possible, all metallic fragments. The six forwarded herewith are the only ones which could not be identified with some portion of the ship's structure or fittings in this vicinity. I further kept a

close personal lookout to see that there was no possibility of passing in any foreign matter to the ship from outside.

In view of the above mentioned course I can state with full assurance that to the best of my knowledge and belief none of the fragments referred to belong to any part of the vessel and that they found their way to the locations in which recovered as the result of the explosion which caused the damage to the vessel.

I was present during the taking of the depositions of the Master of the vessel, of the Chief Engineer, and of the Officer of the Watch at the time of the explosion, which have been previously forwarded. Since the taking of these depositions I have talked over many details with these and other officers of the ship; I have made a careful examination of the ship in wake of the damage; and my conclusion from these sources of information is that the damage is the result of the explosion of a torpedo. My reasons for this conclusion are as follows:

(a) The sworn deposition of the Chief Engineer stating that immediately prior to the explosion he saw a white streak in the water leading from about abeam towards the forward part of the vessel. I have considerable confidence in this statement inasmuch as the Chief Engineer appears to be a man well balanced and observant; he is, moreover, averse to publicity in this connection, as he does not desire to be quoted as having seen this evidence of a torpedo attack inasmuch as he states that he has read in the press a large number of statements of passengers and members of crews of various vessels, who have thought they had seen a torpedo when all the other facts in these cases were absolutely against such a possibility.

(b) Considering the position of the ship at the time of the explosion, I consider that it is beyond the bounds of probability that a floating mine could be encountered in this vicinity. I do not consider that the damage to the ship could have been caused by an anchored mine which had broken adrift, as such a mine would float on the surface of the water and if exploded on contact with the ship, would have caused damage at and above the water line instead of entirely below the water line as is actually the case.

(c) The damage was beyond any possibility of doubt or question caused by an external explosion.

(d) At least one of the fragments forwarded herewith, although bearing no identification marks, appears to me to be a portion of the shell of a torpedo.

(e) The force of the explosion as indicated by the damage to the upper and lower tween decks and the weather deck appears to have been from very slightly abaft the beam; due to the well known uncertainty of the phenomena attendant upon the action of high explosives, I realize that this apparent direction of the force of

explosion is not conclusive in any sense, but taken together with the other elements, is believed to have some slight corroborative value.

LEWIS B. McBRIDE.  
1ST JUNE, 1915.

Forwarded:

J. H. TOWERS,  
*Lieutenant, U. S. N., Naval Attaché (Acting).*

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CASE OF THE "VINCENT."

*Consul Winship to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Petrograd, September 29, 1915.*

American sailing ship *Vincent* destroyed by mine, Cape Orloff.  
Crew saved, now Archangel. Four injured. WINSHIP.

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*Consul General Snodgrass to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*Moscow, September 29, 1915.*

Sailing ship *Vincent* struck mine, Cape Orlov, twenty-seventh.  
Total loss. Crew saved. Captain and three men injured. Being treated in hospital Archangel.

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CASE OF THE "HELEN W. MARTIN."

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 3236.]

AMERICAN EMBASSY,  
*London, November 19, 1915.*

Foreign Office informs me that American schooner *Helen W. Martin* struck a mine on the eighteenth instant at four p. m., three miles west-northwest of Orford Ness. Ship anchored, tug standing by.  
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THE AMERICAN JOURNAL OF INTERNATIONAL LAW

CASE OF THE "OWEGO."<sup>1</sup>

*Consul General Listoe to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*Rotterdam, August 14, 1916.*

Barlow, of steamer *Owego*, New York, arriving Rotterdam  
reports having been fired at ten times near Isle Wight in Brit-  
ain by German submarine, without warning. No casualties.  
Details follow.

LISTOE.

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*The Secretary of State to Ambassador Gerard.*

[Telegram—Paraphrase.]

No. 3296.]

DEPARTMENT OF STATE,  
*Washington, August 16, 1916.*

Mr. Lansing states that the Department of State has been in-  
formed by the American Consul General at Rotterdam that Cap-  
tain Barlow of the American steamer *Owego*, plying between New  
York and Rotterdam, arrived at the latter city on August 14 and  
reported that his vessel was fired at ten times in the British  
Channel, near the Isle of Wight, by a German submarine, but no  
casualties reported. Mr. Gerard is instructed to bring the matter  
at once formally to the attention of the Foreign Minister and  
request a prompt investigation of the case and a prompt statement  
of the findings.

Mr. Lansing adds that Mr. Gerard will perceive the importance  
of giving his constant attention to the case until a reply from the  
German Government is received.

<sup>1</sup> For additional correspondence concerning the *Owego*, see Special Supple-  
ment, 1916, p. 201.

*The Secretary of State to Ambassador Gerard.*

[Telegram—Paraphrase.]

No. 3390.]

DEPARTMENT OF STATE,  
*Washington, September 18, 1916.*

Mr. Lansing, referring to Mr. Gerard's mail despatch numbered 3920 and dated August 29, informs him that the substance of the German note of the 26th of August in the matter of the American steamer *Owego* had been submitted to the vessel's owners who informed the Department that the captain of the vessel says that, while he heard firing he never saw any submarine and never knew any shots were fired at the *Owego* or across her bow until after the submarine came in sight and then he could not understand her signals on account of there being no wind to unfurl her flags so they would stand out and disclose her nationality. The captain further states that it was and is his conception of his duty that when stopped he should wait until a boarding party from a warship came on board of his vessel to make search and not he to leave his own vessel to board any foreign warship.

Mr. Lansing states that this Government trusts that the German Imperial Government will see its way clear to warn its undersea commanders, if in fact it has not already done so, to be most particular in their efforts to make sure that their signals are understood by merchantmen before extreme measures are taken which might result in the destruction of American lives and property. In order that this may not occur this Government has informed ship owners that war submarines' signals should be answered promptly and followed.

Mr. Lansing instructs Mr. Gerard to address a note to the German foreign minister in such terms as the foregoing indicates as a reply to his note of August 26, 1916.

*The Secretary of State to Ambassador Gerard.*

[Telegram—Paraphrase.]

No. 3434.]

DEPARTMENT OF STATE,  
Washington, September 29, 1916.

Mr. Lansing informs Mr. Gerard that the master's statement of the steamer *Owego* in his last telegram was transmitted to him in the language of the United States Steamship Company, and further informs him that he now has the master's own statement made afterward which is as follows:

Ever since early morning of that day we heard sounds of heavy cannon coming from the direction of the French coast, which was nearer to us than the English coast, but not discernible. About 12.40 p. m., on that day I was below eating my dinner when my first mate, H. Hattfield, came to me and stated that he heard guns of smaller caliber and closer to us, but nothing could be seen. I then went on deck with said first mate, and the first thing I saw was a shot dropping in the water about 100 feet from our stern, which shot dropped directly in the wake of the vessel. I looked with the aid of glasses, as did all of the officers of the vessel, but none of us were able to discover any boat in sight. I ordered the wheel put hard starboard and the engines stopped, which was done. About 15 minutes later we made out the submarine coming slowly toward us. At that time, to my judgment, she was about one mile away. Said submarine had signals hoisted but, owing to the entire lack of wind, they were lying flat against the flagstaff instead of being carried out by the breeze and we were unable to make out what the signals were. We were laying still at that time. Then there was a shot fired which came within about four feet of the broad side of the vessel and the submarine kept coming slowly toward us. When she was about one-half mile away we were able to make out one flag and guessed at the rest. We immediately proceeded to lower a boat and I dispatched the first mate with the ship's papers. The *Owego* was displaying a large American flag on her stern and also a large American flag amidship. Her name and the letters U. S. A. were painted in white letters 6 feet long, extending nearly from bow to stern on either side. I did not know the exact number of shots which said submarine fired, I having seen but four shots which struck near the vessel. There was no shot fired across the steamer's bow as stated in the German note. The commander of the submarine informed my first mate that he had fired 11 or 12 shots at us and that was the source of my information

when I gave the number of shots fired. The first mate returned from the submarine with said papers and a permit written in German and signed by the commander allowing the vessel to proceed, which she did. The boat which I sent out to the submarine was launched as quickly as possible after I discovered the submarine signal to send same. I did not know we were being fired upon by reason of the heavy firing in the direction of the French coast, but stopped the vessel and waited as soon as it was discovered that the firing was near to us and sounded differently than what we had been hearing.

Mr. Gerard is instructed that if he can discern no objection he is permitted to submit this further statement to the Foreign Office, augmented by the information contained in Mr. Lansing's last telegram, and is also informed that this information is being forwarded to the end that he may have all the facts necessary for the information of the German Government.

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CASE OF THE "SEBEK."

*Chargé Bliss to the Secretary of State.*

No. 3809.]

AMERICAN EMBASSY,  
Paris, October 24, 1916.

SIR: I have the honor to transmit herewith an affidavit executed by one, John S. Brennan, claiming American citizenship, who was a member of the crew of the British steamship *Sebek*, which is alleged to have been torpedoed by a submarine near Malta on the 12th instant.

This affidavit was executed before the American Consul General at Marseille.

I have, etc.,

ROBERT WOOD BLISS.

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[Inclosure.]

*Affidavit of John S. Brennan.*

I, the undersigned, do hereby declare under oath as follows:  
My name is John S. Brennan. I was born at New York City July 20, 1891. My permanent residence in the United States is



877 Tindon Avenue, in said New York City. I last left the United States on the Norwegian ship *Nordfjeld*, which sailed from Norfolk, Virginia, bound to Naples, Italy, about the 10th day of June, 1916. On September 30, 1916, I signed as A. B. on the British ship *Sebek*, which sailed from Liverpool on that date with a general cargo, about one-half consisting of coal, bound to Alexandria, Egypt. On October 12, 1916, at about 6.55 o'clock p. m., while the *Sebek* was about 10 miles east of Malta, and while I was in the forecastle, I heard a crash. I ran out with the other sailors in the forecastle and we immediately entered into the lifeboats and lowered the boats. There were several trawlers in sight, but I saw no submarine. After we had been about 25 minutes in the lifeboats we were picked up by a French patrol boat, then transferred to a British patrol boat, and for about 12 hours we cruised around our ship the *Sebek* while she was being towed away by another British ship. We were landed in Malta at about six o'clock p. m. on the following day, October 13. There were no casualties among our crew. So far as I am aware, I was the only American on board. While the seaman on the lookout stated that he saw the wake of a torpedo when our ship was struck, I have no personal knowledge of this matter.

JOHN A. BRENNAN.

Subscribed and sworn to before me this twentieth day of October, 1916.

A. GAULIN,  
*Consul General of the United States  
 of America at Marseille, France.*

[Seal of American Consulate General.]

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*The Secretary of State to Chargé Grew.*

[Telegram—Paraphrase.]

No. 3586.]

DEPARTMENT OF STATE,  
*Washington, November 18, 1916.*

Mr. Lansing states that the Department has been advised of the torpedoing without warning of the British ship *Sebek*, with Americans aboard, bound from Liverpool to Alexandria, while ten miles east of Malta, on October 12.

Also the Department is advised that the ship *Delta*, of Norwegian registry, bound from Naples to Wales, in ballast, and on

which there were Americans, was sunk by cannon shot on October 31, fifty-five miles off Cape Palos, Spain, by a German submarine.

Mr. Grew is instructed to bring to the attention of the German Government the above cases in which it appears the lives of American citizens have been jeopardized by German submarines, and request an immediate investigation and report.

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*Chargé Grew to the Secretary of State.*

[Telegram.]

No. 4702.]

AMERICAN EMBASSY,  
*Berlin, December 8, 1916.*

The following note with regard to the sinking of the *Sebek* has just been received:

FOREIGN OFFICE,  
*Berlin, December 6, 1916.*

The undersigned has the honor to reply as follows to the note of Mr. Grew, Chargé d'Affaires of the United States of America, dated the twenty-first ultimo. Foreign Office No. 14221, relative to the sinking of the British vessel *Sebek* by a German submarine.

According to the investigations of the German Naval authorities a German submarine attacked without warning and sank on October twelfth last, close to the warport of LaValeta, Malta, a ship which was under way with lights smothered and without position lanterns, and which therefore had to be considered as a warship by the German commander.

A completely darkened ship which contrary to the international provisions relative to the carrying of lights at sea displays no streamer (?) and a position of lights thereby characterizes itself as a warship, in the war area at any rate or still more in the neighborhood of a warport as in the present case. Should then the darkened ship sunk off Malta actually have been identical with the British steamer *Sebek* the blame for jeopardizing lives of the Americans hired on the *Sebek* attached solely to the captain who, in order to evade measures of prize by the German cruisers recognized by international laws, took upon himself the danger involved in neglecting, contrary to international law the international provisions relative to the carrying of lights.

The undersigned requests that the above be communicated to the American Government and avails himself of the opportunity to the Chargé d'Affaires, et cetera. (Signed.) ZIMMERMANN.

GREW.

## CASE OF THE "BARBARA."

*Consul Lathrop to the Secretary of State.*

No. 313.]

AMERICAN CONSULATE,  
*Cardiff, November 16, 1916.*

SIR: I have the honor to enclose a copy of the declaration of Alle Dorsey, a colored American citizen, relative to the loss by submarine attack of the vessel on which he was engaged, the British S. S. *Barbara*.

I have, etc.,

LORIN A. LATHROP.

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[Inclosure.]*Deposition of Alle Dorsey.*AMERICAN CONSULATE,  
*Cardiff, Wales.*

I, Alle Dorsey, do solemnly swear that I am an American citizen. I was born at 22 Water Street, Norfolk, Virginia, in September, 1890. My father, Ben Dorsey, lives now at 26 Water Street, Norfolk, Va. I was a fireman on the British S. S. *Barbara* of West Hartlepool, England; H. Mayne, master. I left Barry Dock, Wales, in the *Barbara* on June 12, 1916, and went to Genoa and Gibraltar and then to Santiago, Cuba, and to Philadelphia, Pa.

I left Philadelphia with the vessel at the end of August last. The vessel was bound for West Hartlepool with a cargo of sugar. There were no guns on the vessel. There were two other American seamen on the *Barbara*, one was named George West, but I do not know the name of the other. The vessel called at Dover for orders on its way to West Hartlepool and about twenty-four hours after leaving Dover, on the twentieth day of October at four o'clock in the afternoon I was coming up to the forecastle when the watch told me there was a submarine in sight. I saw the submarine which was about half a mile from our vessel on the port bow. It was flying the German flag, but I could not see if there was a number on it. The captain said it was not a submarine. I returned to the forecastle and then I heard the report of a gun. The captain ordered the engines to be stopped and all the crew to stand by the boats. I ran out on deck and went to the port side boat, then I went back to the forecastle to try and save my clothes but I heard another shot and returned to the boat. The captain was then in the starboard side boat, and both boats were lowered. All the crew were in the two boats and no one was injured. No flag

was hoisted on our vessel after the shots were fired by the submarine, and no one from the submarine came aboard our vessel. I do not know how far our vessel was from the coast.

The Spanish S. S. *Victor Trava* was about 200 yards away from our vessel and took all our crew on board. About twenty minutes after leaving the *Barbara* we saw that vessel sink. Several shots were fired at it after the crew were in the boats. The submarine followed the Spanish ship for about three hours, it was then too dark to see what became of the submarine. We were on the Spanish ship when we saw our vessel sink.

We were on board the Spanish ship for four days and were landed at Bilbao on October 24, 1916. About twelve of the crew were shipped in different vessels to England. I was sent to Middlesbrough and thence by train to Barry Dock, Wales. I have not yet received the wages due to me from the *Barbara*, and have no money and only the clothes I stand up in. I am at present staying at 23 Travis Street, Barry Dock, Wales.

His  
ALLE X DORSEY.  
Mark.

Sworn to this sixteenth day of November, A. D. 1916, the deposition having been previously read over to the deponent, whereupon he affixed his mark; before me,

LORIN A. LATHROP,  
*American Consul, Cardiff, Wales.*

[Seal of the American Consulate.]

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*The Secretary of State to Chargé Grew.*

[Telegram—Paraphrase.]

No. 3652.]

DEPARTMENT OF STATE,  
*Washington, December 9, 1916.*

Mr. Lansing informs Mr. Grew that the Department is advised that the British steamship *Barbara*, which had Americans on board, was sunk in the British Channel by a German submarine on October 20. The ship was laden with coal and bound to Hartlepool from Philadelphia.

Mr. Grew is instructed to make request of the Foreign Minister for a prompt investigation and report.

*Ambassador Gerard to the Secretary of State.*

[Telegram.]

No. 4882.]

AMERICAN EMBASSY,  
*Berlin, January 15, 1917.*

The following note relative to the sinking of the English steamer *Barbara* has just been received:

FOREIGN OFFICE,  
*Berlin, January 14, 1917.*

The undersigned has the honor to inform His Excellency Mr. James W. Gerard, Ambassador of the United States of America in reply to the note of Mr. J. C. Grew dated December eleven last, Foreign Office No. 14836, on the sinking of the steamer *Barbara* as follows:

According to the investigations of the German naval authorities the steamer *Barbara* was stopped by a German submarine with a shot of warning on October 20, 1916, a few miles south of the Isle of Wight; the crew then immediately entered the boats. After the commander had convinced himself that the crew had been taken on board of the Spanish steamer *Victor Chavarri* and was thus in a place of safety he sank the vessel.

The undersigned requests that the above may be communicated to the American Government and avails himself, et cetera. (Signed.)  
ZIMMERMANN.

GERARD.

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 CASE OF THE "ROWANMORE."
*Consul Frost to the Secretary of State.*

[Telegram—Extract.]

AMERICAN CONSULATE,  
*Cork, Queenstown, October 28, 1916.*

Furness freighter *Rowanmore*, Baltimore for Liverpool, mixed cargo including munitions attacked by German submarine 8.45 a. m. twenty-sixth 140 miles west southwest of Cape Clear, after fifty minutes attempt escape *Rowanmore's* steering gear was shot away. Master thereupon stopped and signaled submarine he was abandoning ship. Submarine three-fourths miles distant continue shelling as it came up, originally three miles off. Submarine shelled boats after latter were clear, no casualties whatever, but Americans and officers

insist submarine was firing to kill until it came close up when it forewent that. Submarine forcibly took master on board it as prisoner or hostage. Expressed perfunctory regret at situation of crew of seventy-nine men who were in four open boats. Weather was dull with heavy swell and light choppy waves, wind moderate to fresh. Submarine shelled *Rowanmore* and at 11.30 torpedoed her, but vessel did not sink until 2.40 p. m. *Rowanmore* had wirelessly the *Finland* thirty miles away, warning her to keep away, also wirelessly other vessels. British Admiralty vessel came to rescue 11.45 a. m. Crew landed Bantry 10 a. m., twenty-seventh. Seven Americans, of whom five are Filipinos, other two are native Americans, George Murphy, 740 Jefferson Avenue, Brooklyn, and Albert Sessler, 42 Sharon Street, Boston. Both rated trimmers. Their affidavit is taken. Took statement first officer Watson, but could not complete it formally, as he had only two hours in Cork. *Rowanmore* had gross tonnage 6,705.

FROST.

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*The Secretary of State to Chargé Grew.*

[Telegram—Paraphrase.]

No. 3530.]

DEPARTMENT OF STATE,  
Washington, October 30, 1916.

Mr. Grew is informed of receipt of telegram dated October 28, 1916, from the American Consul at Queenstown, reporting that the Furness freighter *Rowanmore*, Baltimore for Liverpool, mixed cargo, including munitions, attacked by German submarine eight forty-five a. m., twenty-sixth, one hundred forty miles west southwest of Cape Clear, after fifty minutes attempt escape *Rowanmore's* steering gear was shot away. Master thereupon stopped and signaled submarine he was abandoning ship. Submarine three-fourths miles distant continue shelling as it came up, originally three miles off. Submarine shelled boats after latter were clear, no casualties whatever, but Americans and officers insist submarine was firing to kill until it came close up, when it forewent that. Submarine forcibly took master on board it as prisoner or hostage. Expressed perfunctory regret at situation of crew of seventy-nine men, who were in four open boats. Weather was dull, with heavy swell and light, choppy waves, wind moderate to fresh. Submarine shelled *Rowanmore* and at eleven thirty tor-

pedoed her, but vessel did not sink until two forty p. m. *Rowanmore* had wirelessly the *Finland*, thirty miles away, warning her to keep away, also wirelessly other vessels. British Admiralty vessel came to rescue eleven forty-five a. m. Crew landed Lantry ten a. m., twenty-seventh. Seven Americans, of whom five are Filipinos, other two are native Americans, George Murphy, seven hundred forty Jefferson Avenue, Brooklyn, and Albert Sessler, forty-two Sharon Street, Boston. Both rated trimmers. Their affidavit is taken. Took statement first officer Watson, but could not complete it formally, as he had only two hours in Cork. *Rowanmore* had gross tonnage six thousand seven hundred five.

Mr. Grew is instructed to bring the matter to the attention of the German Government for investigation and to report as soon as possible.

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*Vice Consul Watson to the Secretary of State.*

No. 740.]

AMERICAN CONSULATE,  
*Liverpool, October 30, 1916.*

SIR: I have the honor to confirm the following cablegram this day sent to the Department:

Affidavits officers and members of crew *Rowanmore* show speed increased when shelling by submarine began. Submarine continued shelling after *Rowanmore* signaled "am abandoning ship" and while crew were leaving vessel. No injuries received. Position of vessel fifty-one thirty north thirteen west. Wind fresh. Heavy sea running. Crew in boats before ship torpedoed. Picked up two to three hours later. Two Americans and five Philipinos in crew. Affidavits posted. Watson, Vice Consul.

The officers and members of the crew of the steamship *Rowanmore* arrived in Liverpool yesterday and this Consulate has now taken affidavits as per the list appearing below, which are enclosed herewith. From these affidavits it appears that on the morning of October 26th, about 8.45 a. m., the ship was shelled by a submarine, the position of the vessel being then 51.30 North and 13 West about 130 miles from Fastnet. Immediately on seeing the submarine the helm was put hard aport which brought the submarine astern and the ship's speed was increased about one knot. Two shells struck the ship and it was then seen that the submarine was flying in International Code the



signal "abandon ship." The shelling continued and the signal in the same code "Am abandoning ship" was given. The engines were stopped, and the crew took to the boats, the shelling continuing meanwhile. A heavy sea was running at the time. When the boats were clear of the ship the submarine came up and ordered the captain to come on board, which he eventually did. A torpedo was then fired at the *Rowanmore* and the vessel sank at about 2.42 p. m. The crew were picked up by the British patrol boat *Sunflower* between two and three hours later and landed at Bantry Bay, Ireland, at 10 a. m., on the morning of Friday the 27th instant. None of the crew were injured by the shelling.

There were on board the *Rowanmore* two American citizens, Albert Sessler, Boston, and George Murphy, Brooklyn, N. Y., and five Philipinos, Dionilo Abanilla, Nueva Ceres, P. I.; Jose Visterion, Negros Island, P. I.; A. Santa Cruz, Iloilo, P. I.; Rupino Paisloria, Cebu, P. I., and Blinabo Enam, Iloilo, P. I.

This report is forwarded pursuant to instructions from the Consul General at London dated June 1st, 1916.

I have, etc.,

HUGH H. WATSON.

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[Inclosure 1.]

KINGDOM OF GREAT BRITAIN & IRELAND,  
County of Lancaster, City of Liverpool,  
Consulate of the United States of America.

I, Gilbert Ratcliffe Watson, of 31 Wildman Street, Kendal, Westmoreland, temporarily at 35 Ivanhoe Street, Bootle, Liverpool, England, do hereby make oath and say as follows:

I am a British subject, and was chief officer of the British S. S. *Rowanmore*, which sailed from Baltimore, October 14, 1916, for Liverpool with a general cargo.

That all went well on the voyage until 8.45 a. m., on October 26th. The vessel's position then was 51.30 N., and 13 W., distant about 130 miles from Fastnet. At the time named shells burst close to the ship, but without anything visible in sight. A few moments later we sighted a submarine, which was firing at the ship, and shelling her. The submarine was bearing North half East, about three miles distant, the ship steering East East true. Immediately on seeing the submarine we put the helm hard-a-port and brought the submarine right astern. Orders were given for the engine room that all speed should be put on the ship. The *Rowanmore* had no guns on board and was



quite unarmed. I was on the bridge when the submarine was sighted, and remained there. Two shells struck the ship, one following the other. Just afterwards we saw that the submarine was flying two flags, International Code "A. B.," which was interpreted as "abandon ship." The shelling of the vessel by the submarine continued and the third shell which struck the ship carried away the starboard fore rigging. Another shell hit the ship and exploded in No. 2 hatch. A still further shell struck the ship and wrecked the steering gear. It was then decided to abandon the ship, and we put flags up to that effect: International Code "A. G.," which is "Am abandoning ship." The engines were stopped, and all hands were ordered to take to the boats. We commenced to lower the boats, but the submarine also continued to shell the ship whilst this process of lowering the boats was in operation. The entire crew succeeded in getting away from the ship in four boats, but the submarine still continued her shelling all the time, to the risk of the crew, as shells were falling within 20 feet of the boats. In fact the spray from the shots was drenching the boats. The boats eventually got clear of the ship, and the submarine came up close to my boat, No. 4, and said, through a megaphone, "Get out of the way, or I'll run you down." We pulled and got clear, and the submarine hailed me and asked if I was the captain, and added that we were very foolish, and further "I am sorry for you, but you will drown." The submarine then went to the boat the captain was in and ordered him to come on board the submarine. The captain did not reply, and the command was again repeated. The captain still made no reply. The third time the command was given "Come on board, quickly," at the same time pointing a revolver at the captain, who then went on board the submarine. A torpedo was then fired at the *Rowanmore* by the submarine, which then submerged. The *Rowanmore* sank at 2.42 p. m., October 26, she being full of shell holes.

At the time the crew took to the boats the wind was moderate to fresh with a heavy sea. The rise and fall of the boats in the heavy sea was from 15 to 20 feet, and there was great risk of the boats being first smashed against the ship's side, and later of being swamped in the heavy sea. All of the crew, however, fortunately were saved, being picked up by one of H. M. ships and landed at Bantry Bay, 10 a. m., Friday, October 27.

There were two American citizens on board and five Philipinos.  
G. R. WATSON.

Subscribed and sworn to this thirtieth day of October, 1916,  
before me.

HUGH H. WATSON,  
*American Vice Consul in Charge, Liverpool, England.*

[Seal of the American Consulate.]

## [Inclosure 2.]

KINGDOM OF GREAT BRITAIN & IRELAND,

*County of Lancaster, City of Liverpool, Consulate of the United States of America.*

I, Albert Sessler, being duly sworn, make oath and say:

That I am an American citizen, born in Boston, Mass.

That I am twenty-eight years old.

That I joined the British S. S. *Rowanmore* as a trimmer in Baltimore, Maryland, October 14, 1916.

That on the morning of October 26, 1916, I came off watch at 6 a. m., and went immediately to my bunk. Between 8.30 and 9 a. m., I was awakened by a fireman who told me to get my clothes on quickly as I could, as a submarine was after us. I dressed and went up on deck. Shells were then falling all around the ship and close to it, but I saw none strike the ship. I got a life preserver and got into a life boat and about ten minutes later we were lowered, the shells falling continuously. This was somewhere around 9 a. m. A heavy swell was running, making it dangerous to be out in small boats. I saw a submarine come toward us after we were in the small boats, but she changed her course and went by about twenty yards away. This was the first time I saw the submarine. I saw no shells fall among the small boats after they left the ship. We were in the small boats about three hours and were picked up by a British patrol boat, the *Sunflower*, and taken to Bantry. I saw no one injured by falling shells. I saw the *Rowanmore* sink about 2.45 p. m., at which time I was on the *Sunflower*.

ALBERT SESSLER.

Subscribed and sworn to this thirtieth day of October, 1916, before me,

HUGH H. WATSON.

*American Vice Consul in Charge.*

[Seal of the American Consulate.]

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*Chargé Grew to the Secretary of State.*

No. 4639.]

AMERICAN EMBASSY,

*Berlin, November 21, 1916.*

SIR: With reference to my despatches Nos. 4529<sup>1</sup> of November 4, 1916, and 4532<sup>1</sup> of November 7, 1916, I have the honor to enclose

<sup>1</sup> Not printed.

herewith, in order to complete the files of the Department, a copy and translation of the Note from the Imperial Foreign Office, dated November 19, 1916, replying to the Embassy's inquiry in regard to the sinking of the steamer *Rowanmore*. The text of this Note was cabled to the Department in my telegram No. 4622<sup>1</sup> of November 20, 1916.

I have, etc.,

J. C. GREW.

[Inclosure—Translation.]

A. 30585. }  
J. Nr. 23863. }

FOREIGN OFFICE,  
Berlin, November 19, 1916.

The undersigned has the honor to inform Mr. Joseph Clark Grew, Chargé d'Affaires of the United States of America, in reply to the notes of the 2d and 7th instant, and in supplement to the note of the Foreign Office of the 3d instant that the investigation of the sinking of the English steamer *Rowanmore*, conducted by the Admiralty Staff of the Imperial German Navy has led to the following result:

At about 9.30 o'clock on the morning of October 26th last, a steamer was sighted pointing eastward; there was a light westerly wind and a light sea therefrom but a heavy westward Atlantic roll. Upon approaching it was seen to be a question of an English steamer. The steam was not flying any flag. At a distance of from 5 to 6 thousand meters a shot of warning was fired; the steamer now turned and ran away at high speed, always keeping the submarine to the starboard aft. The submarine took up the pursuit and kept the steamer under gunfire to prevent flight. It was observed during the pursuit that the steamer gave out wireless signals as to its position and the pursuit by the submarine in order to attract help.

At about 11.20 o'clock it was perceived that the speed of the steamer was decreasing and following this that boats were lowered. Hereupon the firing was immediately stopped. It is a matter of course that no shots were fired at the lifeboats. This is also confirmed by the fact that nobody in the boats was injured.

The submarine was now still about 2,000 meters away from the steamer and observed that a signal was hoisted on the steamer which did not however blow clear and therefore could not be made out. It was not until later that it was learned from the captain that he had caused the signal "I surrender the ship" to be hoisted. According to his own testimony the signal was hoisted furled by an excited seaman so that it could not be made out.

<sup>1</sup> Not printed.

Upon approaching closer three large boats containing the crew were found and a small gig in which the captain of the steamer sat alone with only one scull; he had been deserted by the crew when the ship was struck by several shells and as the last man on board had lowered this boat alone; he was taken from it on board the submarine. He there stated "The steamer *Rowanmore* was struck 10 times, the last shot hitting the stern and apparently damaging the screw." No one of the crew was injured in the shooting.

It was then ascertained that the *Rowanmore* was on a voyage from Baltimore to Liverpool. The ship was sunk. The position was latitude 51 degrees 25 minutes north, longitude 12 degrees 50 minutes west.

In the meantime a cloud of smoke came into sight which proved to be the column of smoke from a destroyer, which was rapidly coming towards the submarine. The safety of the crew of the steamer was thus guaranteed. In view of the destroyer the submarine submerged and made off.

The German Government begs to point out on this occasion that the difficult situation in which some American citizens were involved during this occurrence is not attributable to the action of the submarine, which kept entirely within the bounds of international law, but to the attitude of the English ship, which persistently attempted to escape until it had lost its mobility.

The undersigned avails himself of this opportunity to renew to the Chargé d'Affaires of the United States of America the assurances of his distinguished consideration.

(sigd.) V. JAGOW.

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CASE OF THE "LANAO."

*Consul Lathrop to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
Newport, November 6, 1916.

Philippine steamer *Lanao*, of Manila, carrying rice, Saigon to Havre, stopped by German submarine 30 miles off Cape Vincent, Portugal, October 28. After crew removed to submarine *Lanao* destroyed by bomb, commander submarine stating cargo contraband and he compelled sink vessel. *Lanao* crew transferred half hour later from submarine to Norwegian steamer *Tromp* and landed Cardiff. No injuries, no casualties. *Lanao* unarmed and flying American flag.

LATHROP.

*The Secretary of State to Ambassador Gerard.*

[Telegram—Paraphrase.]

No. 3587.]

DEPARTMENT OF STATE,  
*Washington, November 18, 1916.*

Mr. Lansing states that the American steamship *Lanao*, unarmed, of Philippine registry, which was en route from Saigon to Havre, laden with rice, was sunk on October 28 by a German submarine while off Cape Vincent, Portugal, about thirty miles. Mr. Gerard is instructed to bring this case to the German Government's immediate attention, with the request that it be investigated and a prompt report made concerning the sinking of an American vessel.

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*Chargé Grew to the Secretary of State.*

[Telegram.]

No. 4716.]

AMERICAN EMBASSY,  
*Berlin, December 11, 1916.*

The following note relative to the sinking of the *Lanao* has just been received:

FOREIGN OFFICE,  
*Berlin, December 9, 1916.*

The undersigned has the honor to reply as follows to the note of Mr. Grew, Chargé d'Affaires of the United States of America, dated the 21st ultimo: Foreign Office Number 14420. Relative to the sinking of the steamer *Lanao* by a German submarine.

On October 28th last a German submarine encountered the steamer *Lanao* on the way to Le Havre and captured it as a prize because it was carrying contraband to the enemy. Since the submarine was unable to conduct the *Lanao* into a German or Allied port without exposing itself to the danger of sinking, it sank the steamer after it had taken the crew on board. The crew was then sent on board the Norwegian steamer *Tromp*, which was just at the time in sight.

The steamer *Lanao* belonged originally to the Findlay Millar Steamship Company, of Manila; it was, however, sold in July, 1916, to the shipping firm of Hannevig Brothers, of London, and sailed since under the English flag. The owners of the firm of Hannevig Brothers are the sons of the shipowner Christian Hannevig of Borre, Norway, and are, like him, Norwegian subjects.

The undersigned request Mr. Grew, the Chargé d'Affaires, to communicate the above to the Government of the United States, and avails himself, etc.

ZIMMERMANN.

GREW.

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CASE OF THE "MARINA."

*Consul McCunn to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Glasgow, October 30, 1916.*

Donaldson Line steamer *Marina* sailed Glasgow, October 25th for Baltimore and Newport News sunk October 28th. Fifty American horsemen on board.

McCUNN.

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*Consul Frost to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Queenstown, October 30, 1916.*

Fifty-two additional survivors *Marina* landed Castletown Berehaven, only eighteen now missing, believed dead. There were not less than 36 Americans on *Marina*, of whom sixteen are safe at Crookhaven. There will probably be some American fatalities. Survivors state vessel was torpedoed without warning in heavy sea and sank in ten minutes. Survivors will not reach Cork before to-morrow, if then, Will take affidavits when possible. Vessel was Donaldson liner.

FROST.

*Consul Frost to the Secretary of State.*

[Telegram—Extract.]

AMERICAN CONSULATE,  
Queenstown, November 1, 1916.

Joint affidavit completed twenty-eight citizens Berehaven from *Marina*. Also fifteen Crookhaven. Both agree essential points *Marina* torpedoed starboard amidships absolutely without warning seventy miles west Fastnet. Second torpedo twelve minutes later, boiler explosion, ship sinking in six minutes. Sky partly clear, wind moderate, very heavy swell, not breaking, boats taken fair discipline but frenzied haste induced necessity. Submarine did not shell *Marina*. Boiler explosion killed only British apparently. Americans lost simply drowned taking boats, possibly first stunned some cases. Submarine was seen Crookhaven survivors, since they left ship starboard. They swear submarine emerged after second torpedo, standing by several moments after *Marina* sank. Did not communicate with boats or *Marina*. Latter thus did not, could not, attempt escape resistance, although mounting 4.7 gun. Boats 1, 2, and 3 were afloat 25.5 hours, 17, and 31.5, each being in constant imminent peril, as weather grew much rougher. Fifty-one Americans aboard; forty-five safe.

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*Chargé Grew to the Secretary of State.*

[Telegram.]

No. 4555.]

AMERICAN EMBASSY,  
Berlin, November 3, 1916.

With reference to Department's 3530, thirtieth October, and 3532, thirty-first, following is a translation of note dated to-day received from Foreign Office at ten thirty this evening:

The undersigned has the honor to reply as follows to the American Chargé d'Affaires, Mr. Grew, with reference to the two notes of the second instant relative to the sinking of the British steamers *Rowanmore* and *Marina* by German submarines:

The Imperial Government is not yet in a position to give a positive statement regarding the cases in question, since the submarines which come into question for the sinking are still on their voyage without it

having yet been possible to get into communication with them. As soon as they shall have returned an exact investigation of their procedure will be instituted and immediately upon its completion the result will be communicated to the American Embassy.

The Imperial Government, however, wishes even now to express the conviction that the proceedings connected with the sinking of the two ships could not have occurred as the informants of the American Government state. For the commanders of the German submarines operating against England have the strictest and most sharply controlled instructions to keep carefully within the limits of the rules the observance of which the Imperial Government promised in its note of May fourth, 1916, and which since then have been observed by the German submarines with the greatest exactness.

The undersigned avails himself of this occasion, et cetera.

(Signed) ZIMMERMANN.

GREW.

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*Chargé Grew to the Secretary of State.*

[Telegram.]

No. 4654.]

AMERICAN EMBASSY,  
*Berlin, November 27, 1916.*

The following note relative to the sinking of the *Marina* has just been received:

FOREIGN OFFICE,  
*Berlin, November 25, 1916.*

The undersigned has the honor to inform Mr. Joseph Clark Grew, Chargé d'Affaires of the United States of America, in supplement to his note of the third instant and in reply to the esteemed note of the second instant, Foreign Office Number 13985, that the investigation of the sinking of the British steamer *Marina* conducted by the German Government has led to the following results:

At four fifty o'clock on the afternoon of October 28th last, a German submarine encountered a steamer about twenty nautical miles from the Skelligs in sight of land; steamer was painted gray, displayed no flag, and had wooden super-structure on deck for transporting horses. The commander of the submarine considered this steamer, which was identical with the *Marina*, a horse transport ship in the service of the British Government which he could attack forthwith according to international law as an auxiliary war ship. He was strengthened in this view by his activity in the Mediterranean where he had often observed ships of this kind and ascertained that they were used as



British transport steamers in the Dardanelles operations. In these circumstances he saw nothing objectionable in torpedoing the *Marina* without warning.

The assumption of the commander that he was concerned with an enemy transport seems correct since the *Marina*, as is known to the German Government from reliable sources, was actually used as a horse transport steamer in the service of the British Government. Should this assumption prove however to be a wrong one according to the investigations of the American Government, the action of the commander would be attributable to a regrettable mistake and not have been in accordance with his instructions; in this event the German Government would not hesitate to draw the appropriate consequences. The American Government is therefore requested further to communicate the result of its official investigations in this direction.

The undersigned requests the Chargé d'Affaires to bring the above to the knowledge of the American Government and avails himself  
et cetera, (Signed) ZIMMERMANN.

GREW.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram—Paraphrase.]

No. 4116.]

DEPARTMENT OF STATE,  
Washington, December 2, 1916.

Mr. Page is informed that the German Government's report on the sinking of the vessel *Marina*, received by the Department, states that the *Marina* displayed no flag, was painted gray and had on her deck a superstructure of wood for the transportation of horses similar to those in use in the operations in the Dardanelles and that the *Marina* was in actual use as a horse-transport vessel in the British Government's service.

Mr. Page is directed to ascertain definitely and officially as to whether the *Marina* was, at the time of her sinking, in any way in the British Government's service and if so, for how long a period had she been in the British Government's service, and if not, when she ceased to be in the service of the British Government. Was it customary for the *Marina* to be in the British Government's service while carrying horses from the United States to Europe and privately used on the return voyage? Was the *Marina* voyaging to the United States to transport another load of horses to Europe?

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 5283.]

AMERICAN EMBASSY,  
*London, December 6, 1916.*

Your 4116, December 2, 2 p. m.

In reply to a note based on your telegram mentioned above Lord Grey replies as follows:

With reference to the note which Your Excellency was good enough to address to me on the fourth instant making certain inquiries as to the employment of the steamship *Marina* I have the honor to state that this vessel was neither requisitioned nor chartered by His Majesty's Government. She was on her owners service running on her ordinary berth and entirely under the orders and control of the owners.

On her voyages from America the *Marina* carried for His Majesty's Government at a fixed rate per head a number of animals. These animals were carried entirely at the shipowner's risk and responsibility the only difference between them and any other cargo carried being the mere fact that His Majesty's Government were the consignees.

I hope to be able at a later date to reply to the inquiries contained in Your Excellency's note so far as they are not covered by the above information.

PAGE.

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*The Secretary of State to Chargé Grew.*

[Telegram—Paraphrase.]

No. 3667.]

DEPARTMENT OF STATE,  
*Washington, December 12, 1916.*

Mr. Lansing states that the United States Government has made inquiry of the Government of Great Britain concerning the status of the vessel *Marina* and Lord Grey states in reply as to whether the *Marina* was in the British Government's service at the time of her sinking that the *Marina* was neither chartered nor requisitioned by the Government of Great Britain. She was on the service of her owners, running on her ordinary berth, and entirely under her owners' orders and control. The *Marina*, on her voyages from

America, carried for the Government of Great Britain a number of animals at a fixed rate per head. These animals were carried entirely at the risk and responsibility of the shipowners, the only difference between these animals and any other cargo carried being the fact that they were consigned to the British Government.

Mr. Grew is directed to bring the foregoing to the immediate attention of the Minister of Foreign Affairs and he is informed that further inquiries have been made as to whether the *Marina* was ever in the service of the British Government and, if so, when and whether it was customary for the *Marina* in the past to be in the British Government's services on voyages from the United States and in her owners' service on returning voyages. When replies to these inquiries are received they will be transmitted to Mr. Grew.

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*Ambassador W. H. Page to the Secretary of State.*

No. 5436.]

AMERICAN EMBASSY,  
*London, December 18, 1916.*

SIR: Referring to your telegram No. 4162 of December 11, 5 p. m., with further reference to the sinking of the British steamship *Marina*, I have the honor to transmit herewith inclosed copies of a note based thereon, which I addressed to Lord Grey on December 12th<sup>1</sup>, as well as copies of Mr. Balfour's reply, dated December 16th, on which my telegram No. 5337 of December 18th was based.

I have, etc.,

WALTER HINES PAGE.

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[Inclosure.]

FOREIGN OFFICE, *December 16, 1916.*

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador and, with reference to His Excellency's notes of the 4th and 12th instant (Nos. 1486 and 1590), relative to the steamship *Marina*, has the honor to inform him that His Majesty's Government were in no way interested in the voyage on which the vessel was engaged at the time she was attacked. She would,

<sup>1</sup> Not printed.

however, on her return journey have brought a deck load of horses for His Majesty's Government, but these would have formed only a small part of her homeward cargo.

The *Marina* was utilized for this purpose on each voyage from the United States to the United Kingdom from October, 1914, to May, 1915, and again from June, 1916, to the last voyage from the United States before she was sunk. She was not employed by His Majesty's Government in any other way at any time.

Mr. Balfour begs leave to add that the vessel was at no time "in the service of His Majesty's Government" in any sense in which she was not equally in the service of any other regular shippers of the cargoes she carried. The precise method of employment was explained to Dr. Page in Viscount Grey's note of the 6th instant.

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*The Secretary of State to Chargé Grew.*

[Telegram—Paraphrase.]

No. 3692.]

DEPARTMENT OF STATE,  
*Washington, December 20, 1916.*

Mr. Grew is informed that in further response to the inquiries of the United States Government concerning the status of the vessel *Marina* the British Minister for Foreign Affairs states that the British Government were in no way interested in the voyage of the *Marina* at the time she was attacked. However, the *Marina* on her return voyage would have brought a deck load of horses for the British Government, but these would have made but a small part of her cargo. On each voyage from the United States to Great Britain from October, 1916, to the last voyage from the United States before her sinking the *Marina* was utilized for this purpose. The British Government did not employ her at any time in any other manner. In addition it is stated that the *Marina* was at no time in the British Government's service in any sense in which the vessel was not in the service of any other regular shippers of cargoes carried by her.

An explanation of the precise method of employment is contained in Viscount Grey's note of December sixth to Ambassador Page, of which you were informed in Department's telegram of December twelfth.

Mr. Grew is directed to bring the foregoing to the attention of the German Government immediately.

## CASE OF THE "DELTO."

*Consul General Hurst to the Secretary of State.*

[Telegram—Extract.]

AMERICAN CONSULATE GENERAL,  
*Barcelona, November 7, 1916.*

Norwegian steamer *Delto* bound from Naples to Barry Dock, Wales, in ballast sunk October thirty-first, by cannon shot from German submarine, about fifty-five miles off Cape Palos, Spain. Steamer carried fireman Frank Jenkins, an American negro of East Baton Rouge Parish, Louisiana, whose uncle is William Clement, Seymourville, Louisiana. Jenkins brought Barcelona by Norwegian Consular officials and has made affidavit of sinking.

HURST.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

No. 4791.]

AMERICAN EMBASSY,  
*Berlin, December 27, 1916.*

The following note relative to the sinking of the Norwegian ship *Delto* has just been received:

FOREIGN OFFICE,  
*Berlin, December 25, 1916.*

The undersigned has the honor to inform His Excellency, Mr. Gerard, Ambassador of the United States of America, in reply to the note of Mr. J. C. Grew, dated the twenty-first ultimo, Foreign Office number fourteen forty-two, relative to the sinking of the Norwegian ship *Delto* by a German submarine as follows:

According to the investigations of the German Naval authorities the Norwegian ship *Delto* not *Delta*, which was chartered by the Italian Government to carry coal, was stopped on October thirteenth last about forty nautical miles southeast of Cape Palos and sunk by artillery fire on account of unneutral service to the enemy (?), also Article forty-six, paragraph one, number three of the Declaration of London, after the German commander had taken the ship's papers on board and caused the crew to enter the lifeboats. The crew was given half an hour to leave the ship; the weather was good and very clear,

the wind was very light. The boats had a comparatively short way to go to reach the Spanish coast, so that there was full security for saving the crew.

The presumption expressed by the American Government that the lives of American citizens on board the *Delto* were jeopardized is therefore not correct.

The undersigned requests that the above (be?) communicated to the American Government and avails himself of the (. . .)<sup>1</sup> to renew to the Ambassador the assurance of his most distinguished consideration.

(Signed) ZIMMERMANN.

GERARD.

#### CASE OF THE "ARABIA."

*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase.]

No. 5129.]

AMERICAN EMBASSY,  
*London, November 7, 1916.*

Mr. Page reports that he is in receipt of information that the steamship *Arabia* of the P. and O. line was torpedoed in the Mediterranean on November 6 with 483 passengers, of whom 160 were women and children. Details are lacking.

*Consul Keblinger to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Malta, (Received) November 10, 1916.*

Paul R. Danner, American Citizen, hundred five Raymond street, Cambridge, Massachusetts, survivor steamer *Arabia*, states ship torpedoed without warning; that submarine displayed no flag and only periscope seen at any time. One 4.7-inch gun mounted on stern. *Arabia* fired at periscope after discharge of torpedo, but apparently without damage to submarine, as periscope was again seen about three

<sup>1</sup> Apparent omission.

hundred yards away by passengers after taking to boats. Two trawler patrols, passenger ship *City of Marseilles* and another boat, on horizon at time of torpedoing and immediately came to rescue of passengers and crew. Sworn statement by mail.

KEBLINGER.

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*The Secretary of State to Chargé Grew.<sup>1</sup>*

[Telegram<sup>†</sup>—Paraphrase.]

No. 3589.]

DEPARTMENT OF STATE,  
Washington, November 18, 1916.

Mr. Grew is advised that the Department has been informed that the steamer *Arabia* of the P and O line was torpedoed without warning by a German or Austrian submarine in the Mediterranean on November 6, while on her homeward voyage. The ship had on board some 480 passengers, including women and children to the number of about 170. The weather, it appears, was fine, and the submarine could have seen women and children on the deck of the ship before dispatching the torpedo. This Government finds itself unable to square this disaster with the assurance of the German Government of May 4, 1916, which the Government of the United States understands binds both Central Powers.

Mr. Grew is instructed to bring this case to the attention of the German Government and to request an immediate investigation and a prompt report.

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*Chargé Grew to the Secretary of State.*

[Telegram.]

No. 4685.]

AMERICAN EMBASSY,  
Berlin, December 4, 1916.

The following note relative to the sinking of the *Arabia* has just been received:

FOREIGN OFFICE,  
Berlin, December 4, 1916.

The undersigned has the honor to inform Mr. Grew, Chargé d'Affaires of the United States of America, in reply to the note of

<sup>1</sup> Same, *mutatis mutandis*, to the Embassy at Vienna.

the 21st ultimo,<sup>1</sup> Foreign Office number 14401, that the investigation conducted by the German Government concerning the sinking of the British steamer *Arabia* has led to the following results:

On the morning of November 6 a German submarine encountered a large steamer coming from the Cerigo Straits, one hundred nautical miles west of the Island of Cerigo; the steamer was painted black and had black superstructures and not, as is otherwise the case with the P and O Line superstructures, a light color; the steamer, which was identical with the *Arabia*, was not traveling on the route regularly used by the passenger steamers between Port Said and Malta, as is made plain on the inclosed map,<sup>1</sup> but was taking a zigzag course towards the west one hundred twenty nautical miles north of that route; this course, on which the submarine had passed three similar steamers at the same spot on the same morning, leads from the Aegean to Malta, so that the *Arabia* was moving on the transport route Cerigo-Malta used solely for war purposes, according to the experiences until now. The commander of the submarine further ascertained that there were large batches of Chinese and other colored persons in their national costumes on board the steamer; he considered them to be workmen soldiers, such as are used in great numbers behind the front by the enemies of Germany; in spite of the clear weather and careful observation he did not perceive any women and children.

In these circumstances the commander of the submarine was convinced that in the case of this steamer he was concerned with a transport ship for troops in the service of the British Government, which is to be considered as an auxiliary warship according to international law, and can therefore be treated like a warship. He accordingly considered himself justified in attacking the steamer without delay and sank it.

Should the American Government give the official data showing that the *Arabia* was at the time of the torpedoing an ordinary passenger steamer, the action of the Commander would not have been in accordance with the instructions given him, since these instructions are now as before in agreement with the assurances of the German note of May, nineteen sixteen. This would then be a case of a regrettable mistake, from which the German Government would promptly draw the appropriate consequences.

The undersigned requests the Chargé d'Affaires to bring the above to the knowledge of the American Government, and avails himself.

(Signed) ZIMMERMANN.

GREW.

<sup>1</sup> Not printed.



*Ambassador Penfield to the Secretary of State.*

No. 2277.]

AMERICAN EMBASSY,  
Vienna, December 8, 1916.

SIR: Referring to the Department's telegraphic instruction No. 1424, dated November 18th, 4 p. m., and to my telegram No. 1566<sup>1</sup> of December 7th, 4 p. m., relative to the torpedoing of the P. & O. steamer *Arabia* I have the honor to report that I immediately requested the Imperial and Royal Ministry of Foreign Affairs to make an investigation and inform me of its result at as early a date as possible.

A Note Verbale, dated the 6th instant, was received in reply, in which it is stated that no submarine boat of the Imperial and Royal Navy was concerned in this affair.

I inclose herewith, for the information of the Department copy of my note<sup>1</sup> to the Imperial and Royal Ministry of Foreign Affairs, No. 10299 of the 21st ultimo, and of the reply from the Ministry of Foreign Affairs, No. 5849, dated the 6th instant.

I have, etc.,

FREDERIC C. PENFIELD.

## [Inclosure—Translation.]

No. 5849.]

I. & R. MINISTRY OF FOREIGN AFFAIRS,  
Vienna, December 6, 1916.

SIR: The undersigned has the honor to inform His Excellency the Ambassador Extraordinary and Plenipotentiary of the United States of America, Frederic Courtland Penfield, that, according to information obtained from the competent authorities, no submarine boat of the Imperial and Royal Navy played a part in the sinking of the British steamer *Arabia*, which was the subject of the very esteemed note No. 10299 of the 21st ultimo.

At the same time the undersigned avails himself of this opportunity to renew to His Excellency the American Ambassador expressions of his highest consideration.

(For the Minister:)

MACCHIO.

<sup>1</sup> Not printed.

*Ambassador W. H. Page to the Secretary of State.*

No. 5496.]

AMERICAN EMBASSY,  
*London, December 22, 1916.*

SIR: I have the honor to refer to your telegram No. 4140<sup>1</sup> of December 7th, 3 p. m., and to say that I did not fail immediately on its receipt to address a note to His Majesty's Secretary of State for Foreign Affairs, copies of which are inclosed herewith, relative to the steamship *Arabia* which was torpedoed in the Mediterranean on November 6, 1916.

I also enclose herewith copies of a note dated December 20th which I have received from the Foreign Office in reply to my communication above mentioned, and on which my telegram No. 5356<sup>1</sup> of December 21st, 7 p. m., was based.

I have, etc.,

WALTER HINES PAGE.

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[Inclosure.]FOREIGN OFFICE,  
*December 20, 1916.*

YOUR EXCELLENCY:

In the note (No. 1487) which you were good enough to address to Viscount Grey on the 8th instant Your Excellency inquired whether the S. S. *Arabia* was in any sense in the service of His Majesty's Government or their allies during the voyage on which she was sunk, and, if so, how long she had been in such service. If the ship was not in the service of His Majesty's Government at the time when she was sunk Your Excellency asked to be informed when she had ceased to be in their service.

No time was lost in transmitting this inquiry to the proper Department of His Majesty's Government, and I now have the honor to state that the *Arabia* was not, at the time she was sunk, and had never been, in the service of His Majesty's Government or of any of the allied Governments. At the time she was sunk she carried some Government passengers who were booked as ordinary packet passengers, but the cost of whose passage is payable by the Government. As the ordinary passage reports have not been received (they were probably lost with the ship) it is not possible to say exactly how many such passengers there were. The information is, however, being collected, and I shall be happy to communicate it to Your Excellency at a later date if

<sup>1</sup> Not printed.

desired. I understand that there were no Asiatics on board the *Arabia* when she was sunk except the Indian native crew.

I venture to add, with regard to the vessel's course, to which Your Excellency states the German Government have called attention as being unusual, that, in view of the number of British and allied ships sunk by the enemy without warning it is not to be expected that vessels should follow the ordinary peace route and thereby give the enemy an opportunity of torpedoing them from a submerged position.

I have, etc.,

(For the Secretary of State:)

W. LANGLEY.

#### CASE OF THE "COLUMBIAN."

*Consul Foster to the Secretary of State.*

[Telegram—Extract.]

AMERICAN CONSULATE,

*Bilbao, (Rec'd) November 11, 1916.*

..  
American steamer *Columbian* sunk by submarine, crew of 109 landed Camarinas.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase.]

No. 5151.]

AMERICAN EMBASSY,

*London, November 11, 1916.*

Mr. Page reports having been informed by the Admiralty that the Hawaiian American Line vessel *Columbian*, outward bound in ballast from St. Nazaire, was sunk by a submarine about fifty miles north-west of Cape Ortegal on November seventh.

*The Secretary of State to Chargé Grew.*

[Telegram—Paraphrase.]

No. 3588.]

DEPARTMENT OF STATE,

*Washington, November 18, 1916.*

Mr. Lansing informs Mr. Grew that the Department is advised that the American steamer *Columbian*, bound to Genoa from St.

Nazaire in ballast, was sunk on November 7 by German submarine *U-49* about 50 miles northwest of Cape Ortegal. Apparently the crew was saved.

Mr. Grew is instructed to bring to the immediate attention of the German Government the case of the *Columbian*, with a request for an investigation and prompt report.

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*Chargé Grew to the Secretary of State.*

No. 4863.]

AMERICAN EMBASSY,  
Berlin, December 18, 1916.

SIR: In order to complete the files of the Department, I have the honor to transmit herewith a copy and translation of the note from the Foreign Office, No. A. 33392, of December 16, 1916, relative to the sinking of the American steamship *Columbian*, the text of which was telegraphed to the Department to-day in my No. 4744.

I have, etc.,

J. C. GREW.

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*The German Minister for Foreign Affairs to Chargé Grew.*

[Inclosure—Translation.]

A. 33392. }  
J. Nr. 26117. }

FOREIGN OFFICE,  
Berlin, December 16, 1916.

The undersigned has the honor to make the following reply to the note of Mr. Grew, Chargé d'Affaires of the United States of America, dated the 21st ultimo (F. O. No. 14402), relative to the sinking of the American steamer *Columbian* by a German submarine.

According to the investigations of the German naval authorities the *Columbian* was stopped by a German submarine at 2.30 o'clock on the afternoon of November 7, 1916, in 44 degrees latitude north and 8 degrees 44 minutes longitude west. The weather was clear for 3 nautical miles, but wind and sea were rather heavy. After the warning shot the flag signal "Send your papers on board" was given. The *Columbian* then hoisted the signal "I can not make out your flag." This answer seemed proper, since as a result of the position of the two vessels in relation to each other and of the direction of the wind the flags blew out towards the steamer. The submarine then approached

closer under water, looked over the steamer, which had been stopped, more carefully through the periscope and then came to the surface close to her. It was ascertained while the submarine was traveling submerged that the steamer carried the American flag and markings and bore the name *Columbian*, New York; and also that she had wireless telegraphy apparatus. According to her course the steamer came from an English or a French port and, to judge from the empty wooden superstructure on her deck, appeared to have delivered there horses, i.e., absolute contraband. On account of the difficulty of having a boat sent across in such a sea the commander of the submarine dispensed with the examination of the papers, signaled to the steamer "You are released" and left her traveling on the surface. The steamer resumed her old course.

Soon afterwards it was reported to the commander of the submarine from his wireless station that since emerging wireless messages of the American steamer had been intercepted containing in open English, in addition to the distress signal S. O. S., reports concerning the submarine, such as "Submarine cruising around us" and the position of the submarine at the time, "Position so and so." These wireless messages caused the commander to turn about and stop the steamer a second time. Notwithstanding the sea and the wind had become still heavier, he succeeded in overhauling the *Columbian*, which was making off, and forcing her by means of signals to follow the submarine and to use her wireless apparatus at a lower intensity only and solely for communication with the submarine.

The submarine then traveled during the night in a westward direction with the *Columbian* and the Norwegian steamer *Balto*, which had been stopped previously and furnished with a prize crew, and examined the ship's papers of the *Columbian* the next morning, the weather being better. After the examination the commander decided to sink the ship for unneutral service. The crew was taken over in its own boats to the steamer *Balto* and later put on board the Norwegian steamer *Väringen*, together with the crew of the *Balto*. The *Väringen* received orders to take all the crews into the Spanish port of Camarinas, and executed these orders. The commander of the submarine kept the captain of the *Columbian* with him on board for the time being, but sent him ashore on November 10th, in the Bay of Camarinas.

According to the ascertainment of the facts as given above, the action of the commander of the submarine appears completely justified. For, by means of her wireless reports as to the position of the submarine, which were plainly intended to attract enemy naval forces, the *Columbian* had voluntarily placed herself in the service of the submarine-defense forces of the enemy and had, in so doing, taken direct part in hostilities. Such an act was bound to clothe the vessel with the character of an enemy merchantman, pursuant to the principles of international law (See also article 46, paragraph 1, number 1,

of the Declaration of London), so that she could be captured and sunk as such a vessel. The sinking itself took place after the ship's papers had been secured and the human lives saved.

For the rest, if the Government of the United States asserts in its instructions to the Embassy at Berlin that the *Columbian* was traveling in ballast, it is plainly incorrectly informed. The report of Captain Curtis, in the *London Times* of November 15, states that the vessel had a cargo of 9,000 tons when she encountered the submarine.

The German commander then ascertained, upon examining the ship's papers, that the *Columbian* was carrying 4,900 tons of steel plates and in addition a small cargo of other goods, including copper, potash, soda, motor-cycles, and parts of machines. According to the captain's version, the steel plates consisted of steel for shells, were therefore intermediate products for the manufacture of shells, and thus absolute contraband, pursuant to Article 21, number 2, of the German prize ordinance; the cargo of copper was likewise absolute contraband, pursuant to Article 21, number 38, of the prize ordinance. Since the ship was bound to Genoa, well known to be an Italian naval and military fortress, and a basis of operations and supplies for the Italian land and naval forces, there was a legal presumption of hostile destination attaching to that part of the cargo also which, like the motor-cycles, belonged only to conditional contraband.

The report of the commander of the submarine on the sinking of the *Columbian* has been transmitted to the competent Imperial Prize Court at Hamburg, which will decide on the legality of the measures of the commander. Thus it would appear that the American parties interested in ship and cargo should be advised to advance the rights to which they lay claim before this Prize Court within the time limits and in the form prescribed by the German Code of Prize Procedure.

The Undersigned requests Mr. Grew, Chargé d'Affaires of the United States of America, to inform the Government of the United States of the above, and avails himself of the occasion to renew to him the assurance of his most distinguished consideration.

ZIMMERMANN.

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#### CASE OF THE "TRIPPEL."

*Consul General Hurst to the Secretary of State.*

[Telegram—Extract.]

AMERICAN CONSULATE GENERAL,

*Barcelona, November 15, 1916.*

Norwegian steamer *Trippel*, bound from Baltimore to Genoa with cargo pig iron and steel, sunk November eleventh by cannon shot from

German submarine about eighteen miles off Villarico, Spanish Mediterranean coast. Steamer carried Liremon Lorne McIntyre, American citizen, whose mother is Doctor Madison, 491 High Street, Newark, New Jersey. McIntyre brought Barcelona by Norwegian consular officials. Has certificate discharge from United States Marine Corps and has worked at sea on foreign vessels.

HURST.

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*The Secretary of State to Chargé Grew.*

[Telegram—Paraphrase.]

No. 3653.]

DEPARTMENT OF STATE,  
*Washington, December 9, 1916.*

Mr. Lansing informs Mr. Grew that the Department is advised that the Norwegian steamer *Trippel* bound from Baltimore to Genoa, which had aboard American citizens, was sunk on November 11 by a German submarine 18 miles off Villarico.

Mr. Grew is instructed to bring this case to the attention of the Foreign Minister and request a prompt investigation and report.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

No. 4865.]

AMERICAN EMBASSY,  
*Berlin, January 11, 1917.*

The following note relative to the sinking of the Norwegian steamer *Trippel* has just been received:

FOREIGN OFFICE,  
*Berlin, January 11, 1917.*

The undersigned has the honor to inform His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, in reply to the note of Mr. J. C. Grew, dated the twelfth ultimo, Foreign Office Number fourteen eighty-four nine, relative to the sinking of the Norwegian steamer *Trippel* by a German submarine, as follows:

According to the investigation of the German naval authorities

the Norwegian steamer *Trippel* was stopped by a German submarine on November 10, 1916, and captured after it was ascertained that her cargo consisted of steel and iron for the Italian war command with Genoa as the port of destination. Since it was impossible under the given circumstances to bring the steamer into a German port she was sunk. Crew had first been given sufficient time to leave the steamer; the weather was very fine, the Spanish coast scarcely ten miles distant so that there was full security for the rescuing of the craft.

The undersigned requests that the above may be communicated to the American Government and avails himself of the opportunity to renew, etc. (Signed) Minister for Foreign Affairs.

GERARD.

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CASE OF THE "LOKKEN."

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 5181.]

AMERICAN EMBASSY,  
*London, November 20, 1916.*

Following telegram received from Consul Liverpool:

Norwegian ship *Lokken* sunk by gunfire submarine November eleventh, crew landed Birkenhead, one American, J. P. Clancy, 461 Catherine Street, Elizabeth, New Jersey. Vessel warned and crew taken off before sinking, boats towed until lights passing vessel sighted. No casualties, affidavits posted.

PAGE.

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*The Secretary of State to Chargé Grew.*

[Telegram—Paraphrase.]

No. 3654.]

DEPARTMENT OF STATE,  
*Washington, December 9, 1916.*

Mr. Lansing informs Mr. Grew that the Department is advised that the Norwegian ship *Lokken*, which had American citizens aboard, was sunk by a submarine whose nationality is unknown, by gunfire



while en route to Phillipville, near Algiers, from Cardiff, with a cargo of coal, in the middle of the Bay of Biscay, about 180 miles from shore on November 11.

Mr. Grew is directed to bring this case to the attention of the Foreign Minister, and request a prompt investigation and report.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

No. 4871.]

AMERICAN EMBASSY,  
*Berlin, January 12, 1917.*

The following note relative to the sinking of the Norwegian steamer *Lokken* has just been received:

FOREIGN OFFICE,  
*Berlin, January 11, 1917.*

The undersigned has the honor to inform His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, in reply to the note of Mr. J. C. Grew, dated December 11 last, Foreign Office No. 14831, on the subject of the sinking of the Norwegian steamer *Lokken* by a submarine of unknown nationality as follows:

The investigation conducted by the German naval authorities has shown that the *Lokken* was stopped by a German submarine on November 11, 1916. The steamer had absolute contraband on board—namely, coal for the Algerian State railways. She was therefore captured and sunk, since it was not feasible under the given circumstances to take her into a German port. Care was taken for the rescue of the crew by the submarine taking the two boats in tow and conducting them to a steamer, which took the men on board.

The undersigned requests that the above may be communicated to the American Government, and avails himself of the opportunity to renew to the Ambassador the assurances of his most distinguished consideration.

ZIMMERMANN.

GERARD.

## CASE OF THE "TREVARRACA."

*Consul Lathrop to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Cardiff, November 20, 1916.*

Norvel Sharp, second cook, Fred Lake, fireman, colored, illiterate, American citizens, British steamship *Trevarrick*, of Saint Ives, Cornwall, state *Trevarrick* sunk by two German submarines ninety miles off Ouessant Point, November sixteenth. Unarmed; warned. No casualties. Cargo, grain; Buenos Aires to Hull. Affidavits mailed.

LATHROP.

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*The Secretary of State to Chargé Grew.*

[Telegram—Paraphrase.]

No. 3651.]

DEPARTMENT OF STATE,  
*Washington, December 9, 1916.*

Mr. Lansing informs Mr. Grew that the Department has been advised that the British steamer *Trevarrick*, which had Americans on board, was sunk 90 miles off Ouessant Point, on November 16, by a German submarine. The ship was grain laden, bound from Buenos Aires to Hull.

Mr. Grew is instructed to request of the Foreign Minister a prompt investigation and report.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

No. 4948.]

AMERICAN EMBASSY,  
*Berlin, January 29, 1917.*

Following note received from the Foreign Office:

FOREIGN OFFICE,  
*Berlin, January 26, 1917.*

The undersigned has the honor to inform His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, in

reply to the note of Mr. J. C. Grew, dated December eleven, 1916, Foreign Office number 14829, relative to the sinking of the British steamer *Trevarrica* by a German submarine, as follows:

According to the facts as ascertained by the German naval authorities, the British steamer *Trevarraca*, not "*Trevarrica*," was stopped by a German submarine on the morning of November sixteen, 1916; the crew left the steamer without further delay when the signal to stop was given and sailed away from the steamer in their boats. The vessel was then sunk as an enemy vessel after it had been searched.

The undersigned requests that the above may be brought to the cognizance of the American Government, and avails himself, et cetera.

(Signed) STUMM.

GERARD.

#### CASE OF THE "AGDER."

*Vice Consul Baxter to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,

*Dundee, (Received) December 12, 1916.*

Steamer *Agder*, of Hungenund, from Stavanger for New Castle on Tyne, with tinned meat, sunk on Sunday morning when 58° 29' north latitude and 2° 48' east longitude by gunfire from German submarine, crew picked up by Swedish steamer *Konsul Bratt* and brought Kirkwall yesterday. One American citizen on board acting as fireman belonging to (?) Pittsburg. Whole crew being sent from Kirkwall to Bergen by Norwegian steamer *Tanafjord*.

BAXTER.

#### CASE OF THE "REBECCA PALMER."

*Consul Washington to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,

*Liverpool, December 22, 1916.*

Captain John Trainor, of Eighty-three Federal Street, Portland, Maine, Master American five masted Schooner *Rebecca Palmer*, of

New York, affirms he left Savannah, Georgia, November ninth; that at four-twenty afternoon of December fourteenth, when seventy miles west southwest Fastnet, making about two knots an hour in a heavy sea, Captain observed what appeared like a boatsail about four miles to the north on his beam; this proved to be a submarine, as a shot was fired at the ship. Captain ordered mate to go below for flag and at once hove to his vessel. Another shot followed in about two minutes. When mate was below one of these shots, the captain is uncertain which, struck bow, doing about two hundred dollars damage. The vessel at this time showed no flag. There was an American flag painted forward of amidships on each side, about eight by twelve feet. This could not have been seen at that distance by submarine in captain's opinion. The flag was then hoisted, and in about half an hour the submarine came within two hundred yards and, as it was dark, signaled with Morse lights to send boat. Captain had previously made out German colors on submarine. Captain lowered motor launch, but submarine had then disappeared. Captain proceeded toward motor launch, which was thereby lost, owing to heavy weather; vessel in stream. Hope affidavits mate and helmsman to-morrow.

WASHINGTON.

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CASE OF THE "RUSSIAN."

*Consul Keblinger to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Malta, December 19, 1916.*

British steamer *Russian*, of Leyland Line, after having discharged cargo of mules at Salonika brought from Newport News, and while on return trip in ballast to Newport News, was struck by what was believed to be a torpedo from submarine at five-forty in afternoon on December fourteenth about two hundred miles east of Malta. The sea was very rough and considerable difficulty was experienced in launching lifeboats, but finally all on board were taken off. A south-east gale was blowing, accompanied by drenching rain, thunder, and lightning, and one of the lifeboats capsized, drowning twenty-eight men, including seventeen American muleteers, as follows:

W. Gurnsey and Otis Tucker, white men, and Joe Wilson, W. Burchett, David Scott, L. Byrd, L. S. Watera, C. Hahn, E. Cooper, E. Taylor, Matt Campbell, James Johnson, Ralph Gordon, Jack Johnson, John Scott, Vance Brown, and Joe Bullock, colored, whose home address can probably be obtained from copy of ship's articles at Newport News.

There were ninety American muleteers on board and also some in crew, but as ship's papers were lost actual number not yet ascertained, but all saved. It was absolutely dark by time lifeboats were launched and not one on board ever saw any sign of submarine or any other vessel until two British trawlers came to rescue after about six hours and brought them to Malta. Everyone on board so far interviewed are of opinion that the explosion was caused by torpedo, as vessel was struck in hold nearest the stern and was in water more than two thousand fathoms deep at time. *Russian* was towed by a trawler until night of fifteenth, when it was taken over, it is said, by tugs, and it has since sunk, according to unofficial reports. The nine survivors from capsized boats suffered great hardship from exposure and difficulty in keeping on upturned boat before being rescued. Informed *Russian* not admiralty charter. Affidavits by mail.

KEBLINGER.

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CASE OF THE "KANSAN."

*Ambassador Sharp to the Secretary of State.*

[Telegram.]

No. 1757.]

AMERICAN EMBASSY,  
*Paris, December 24, 1916.*

Following telegram received from American Consul Nantes this morning:

American steamship *Kansan* (E. Forsyth, Master), belonging to American Hawaiian steamship company badly damaged by violent explosion in forward hold. *Kansan* is supposed to have touched a mine. Explosion occurred in the chenal De batz outside Saint Nazaire. *Kansan* was on her way from Boston to Saint Nazaire. Damage done was so serious that the ship was obliged to stand by the shore, it being feared that she would sink. She is now lying outside the harbor of

Saint Nazaire with whole of the forward compartment flooded. Six American members of the crew were more or less seriously injured by the explosion. Full and detailed account as recorded in this office's miscellaneous record book follows.

KIRK.

SHARP.

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CASE OF THE "SACRAMENTO."

*Consul Lathrop to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Cardiff, January 9, 1917.*

Charles Edward Slater, master American steamship *Sacramento* of San Francisco, owners: Bay Steamship Co. of America at New York, reports *Sacramento* on voyage Havre, France, to Cardiff, Wales, in ballast, was fired on without warning, seven shots at least, by submarine believed German, eleven a. m., January sixth, two and one-half miles north Casquets lighthouse, French Coast. Vessel stopped after first shot, American flag hoisted, master proceeded in small boat with ship's papers but submarine disappeared. Vessel proceeded on voyage, no casualties, arrived Cardiff January eighth.

LATHROP.

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CASE OF THE "WESTWEGO."

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 5615.]

AMERICAN EMBASSY,  
*London, February 6, 1917.*

Consul Liverpool reports captain of American steamer *Westwego*, owners Union Petroleum Steamship Company, Philadelphia, sailed from Philadelphia January 17 for England, met German submarine *U-45* January 21, fifty miles west of Fastnet. Submarine stopped *Westwego* whose second officer took ship's papers to submarine, returned in hour reporting that if master *Westwego* did not give three

barrels lubricating oil, submarine would sink ship. Oil was delivered and ship now safe in harbor. Have instructed consul to obtain affidavits and mail them to Department. PAGE.

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CASE OF THE "HOUSATONIC."

*Consul Stephens to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Plymouth, February 4, 1917.*

American steamer *Housatonic*, loaded cargo wheat for British Government, torpedoed by German submarine twelve-thirty, third inst. Vessel warned and total crew, 37, rescued by submarine and towed for ninety minutes toward land. Submarine fires signal to British patrol boat which subsequently landed crew Penzance.

STEPHENS.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, February 6, 1917.*

Captain *Housatonic* has telephoned following statement to Consul Plymouth, who has been instructed to obtain and forward to Department affidavits when procurable:

*Housatonic* sailed from Galveston for London January sixth with cargo winter wheat consigned to firm in London at ten thirty morning February third. When twenty miles due south Bishop's Light submarine sighted two hundred fifty yards astern; submarine fired two shots close to bow of *Housatonic* and signaled Captain come aboard submarine. Captain stopped *Housatonic* and obeyed order. Weather overcast, sea smooth, no other vessel in sight. Commander of submarine expressed regret necessity sinking vessel but as *Housatonic* carrying food to enemies of Germany he was obeying his orders in sinking her. He retained ship's register and manifest and sent captain, accompanied by third officer of submarine and one sailor, back to *Housatonic*. Germans took one of ship's engineers below

decks and opened sea cocks then removed hatches and having taken off three cases soap ship was ordered to be abandoned. Total crew of thirty-seven put off three boats at eleven fifty. At twelve thirty submarine hoisted German naval ensign and torpedoed *Housatonic* which sank twelve fifty. Submarine took three boats in tow and for one hour and half towed them north by east when British patrol boat sighted and submarine cut boats adrift at same time firing signal attract attention patrol. Submarine then proceeded southward at three o'clock afternoon. Crew taken aboard patrol boat, landed Penzance.

PAGE.

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CASE OF THE "LYMAN M. LAW."

*Ambassador T. N. Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
Rome, February 20, 1917.

Mr. Page reporting in regard to the sinking of the American vessel *Lyman M. Law* states that the affidavit of Captain McDonaugh of the *Lyman M. Law* states that the submarine flew a flag until the hoisting of the American flag when the submarine flag was hauled down but that owing to the great distance the nationality of the flag on submarine could not be distinguished. No action was taken to insure the safety of the crew, but the weather and sea were moderate. The vessel was about twenty-five miles distant from land. The Captain of the *Lyman M. Law*, using the vessel's motor boat and towing another boat, approached land and coasted along to Cagliari, where they arrived after being in the boats for twenty-five hours. The affidavits of the entire crew, two of whom are English, the others Americans, confirm above recited facts. In answer to a question by the Captain of the *Lyman M. Law*, an officer stated that the submarine was Austrian, but from conversation with officers and crew and their appearance generally the Captain believes the submarine was German.

The Captain further states that the lieutenant who boarded the vessel gave him permission to proceed, but later received orders to take to the boats, as the vessel would be sunk on account of carrying contraband.

The cargo of the *Lyman M. Law* consisted only of shocks, but



the vessel carried several months' stores for her own use. It is believed by the Captain of the *Lyman M. Law* that the sinking of the vessel was caused by the submarine's need for the stores.

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*Ambassador Penfield to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*Vienna, February 27, 1917.*

Mr. Penfield reports that the Austrian Minister for Foreign Affairs in an informal conference to-day stated that Austro-Hungarians did not sink the American vessel *Lyman M. Law*.

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CASE OF THE "LACONIA."

*Consul Frost to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Queenstown, February 26, 1917.*

Cunarder *Laconia* torpedoed; sunk 10.50 twenty-fifth 150 miles west Fastnet. Details not yet known; 278 survivors will land here to-day; time uncertain. It is known that there are some missing and one dead. Will cable details at earliest moment. FROST.

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*Consul Washington to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Liverpool, February 27, 1917.*

Cunard Company state their steamer *Laconia* torpedoed without warning. Six passengers and fourteen of crew were Americans. Two American passengers, Mrs. Mary Hoy and Elizabeth Hoy, died of exposure in boat which landed at Bantry Bay, Ireland. Four other

passengers died or are unaccounted for and six of the crew, nationality so far unknown, died. Other survivors landed Queenstown.

WASHINGTON.

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*Consul Frost to the Secretary of State.*

[Extract.]

No. 305.]

AMERICAN CONSULATE,  
*Cork, Queenstown, February 28, 1917.*

SIR: I have the honor to transmit hereby in duplicate (i.e., the original and a copy), affidavits by Father Joseph Wareing and by Robert Gillis, American citizens who survived from the *Laconia* disaster.

I have, etc.,

WESLEY FROST.

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[Inclosure 1.]

*Affidavit of Father Joseph F. Wareing, American Citizen.*

UNITED KINGDOM OF GREAT BRITAIN & IRELAND,  
*Cork (Queenstown), Ireland.*

*February 25, 1917.*

I, the undersigned, do affirm that the following is a true statement of the torpedoing of the steamship *Laconia*. According to questions asked:

1. Nationality of submarine.

Nationality of submarine: German.

2. Whether submarine or torpedo was seen.

Submarine was not seen.

3. Locality and distance from shore where ship was torpedoed.

Locality and distance from shore, about 200 or 250 miles west of Fastnet.

4. Time of day.

Time: About 9.20 p. m.

5. Presence of other boats near by or in sight.

At time of torpedoing no other boats near or in sight.

6. Measures taken by submarine to secure safety of crew and passengers, as for example towing small boats to shore.

No warning given and no measures taken by submarine for safety of crew and passengers whatever.

7. When and how persons on board were rescued.

Rescued by small boats of the *Laconia*, first boat getting away about 10 minutes after first torpedo struck. The last (the Capt's) boat about 20 minutes after first and ten after second torpedo.

8. Whether perils suffered preceding rescue.

No perils to speak of were suffered in rescuing.

9. Whether vessel was torpedoed or shelled without warning.

*Laconia* was torpedoed without warning.

10. Whether vessel endeavored to escape or resist submarine.

As we were torpedoed without warning there was no possible chance of escape.

11. Whether vessel was torpedoed and shelled after flight and resistance had ceased and before all persons were clear of the ship.

We were torpedoed a second time before all passengers were off.

12. Number and character of casualties and particular causes of casualties.

Can't say.

13. State weather and sea at time of sinking and preceding rescue.

The night was partly cloudy with a moderate wind and sea very choppy at time of sinking.

14. Port of departure and destination of vessel sunk.

From New York to Liverpool.

15. Character of cargo.

Can't say.

16. Whether Americans on board were passengers or crew.

Six American passengers. Two of crew (colored).

Witness my hand.

REV. JOSEPH F. WAREING.

Subscribed and sworn to before me this 27th day of February, 1917, in witness whereof I have annexed my hand and seal of office.

WESLEY FROST,  
*American Consul.*

[Seal of the American Consulate.]

[Inclosure 2.]

*Affidavit of Robert Gillis, American Citizen.*

UNITED KINGDOM OF GREAT BRITAIN & IRELAND,  
*County of Cork, Ireland.*

I, Robert Gillis, U. S. citizen, being sworn, affirm:

I was a night-watchman on the *Laconia*, when she was torpedoed by a German submarine, 150 miles W. of Fastnet at 9.30 p. m. ship's

time, Feb. 25th, 1917. The weather was pretty fair—overcast sky with stars showing very light breeze and slight swells. There was no warning whatever, and could be no attempt to escape. The engines were stopped at impact of first torpedo. About 20-30 minutes were occupied in taking to boats, a second torpedo being fired then. Myself and about 6 officers were the only persons left when it struck, and we took at once to boat. The ship sank about 1 hr. after the first torpedo.

We were picked up about 4 a. m., Feb. 26th.

The Germans apparently gave us time deliberately between the two torpedoes in order that the passengers and crew might take safely to the boats.

ROBERT GILLIS.

Subscribed and sworn before me Feb. 27, 1917.

WESLEY FROST,  
*Consul of the United States of America.*

[Seal of the American Consulate.]

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*Consul Washington to the Secretary of State.*

[Extract.]

No. 820.]

AMERICAN CONSULATE,  
*Liverpool, March 2, 1917.*

SIR: Respectfully referring to dispatch No. 819<sup>1</sup> of February 28th last and previous correspondence and cables in regard to the destruction of the S. S. *Laconia*, I have the honor to report that, after conference with the Admiralty's representative in Liverpool and the General Manager of the Cunard Steamship Company, it was thought advisable to telegraph Surgeon Kennedy, of the S. S. *Laconia*, to come to Liverpool from his home in Ireland in order that the affidavits of himself and third officer Coppin as to the conversation which took place between persons in the lifeboat and those on board the German submarine might be taken from both men at the same time.

The two affidavits are sent herewith in duplicate and made inclosures Nos. 1 and 2.

I have, etc.,

HORACE LEE WASHINGTON.

<sup>1</sup> Not printed.

[Inclosure 1.]

*Affidavit of Joseph William Coppin, Third Officer on Steamship  
"Laconia."*

KINGDOM OF GREAT BRITAIN AND IRELAND,

COUNTY OF LANCASTER, CITY OF LIVERPOOL,

*Consulate of the United States of America.*

I, Joseph William Coppin, being first duly sworn, do depose and say as follows:

I am 35 years of age, a British subject, born at Liskerd, Cornwall, 14th August, 1882, and I reside at Liskerd, Cornwall.

I was extra third officer of the Cunard S. S. *Laconia* and sailed on her from New York Sunday, February 17th, 1917. All went well until the evening of Sunday, the 25th, when at about 9.30 the *Laconia* was torpedoed by a German submarine. The weather was calm and there was a light wind with a moderate swell. The *Laconia* was torpedoed without warning. She carried one gun in the stern for defense purposes. Her cargo was mainly cotton. The crew consisted of British and Americans, but I do not know how many Americans there were exactly in the crew or among the passengers. Fifteen minutes after the torpedo hit the *Laconia* about seven boats were clear of the ship, and I was in No. 13. Shortly after this the submarine fired another torpedo into the *Laconia*, and then a little while afterwards the submarine came within speaking distance of the life boat in which I was and inquired as to the tonnage of the vessel. The reply from the boat stated the tonnage of the ship at eighteen thousand. The submarine then said a patrol would pick us up. The submarine left us and we were picked up by a patrol boat about 4.30 on Monday morning after suffering seven hours' exposure in an open boat.

JOSEPH W. COPPIN.

Subscribed and sworn to before me this 2nd day of March, 1917.

HORACE LEE WASHINGTON,

*Consul of U. S. of A. at Liverpool, Eng.*

[Seal of the American Consulate.]

[Inclosure 2.]

*Affidavit of Gerald Leo Kennedy, Surgeon of Steamship "Laconia."*

KINGDOM OF GREAT BRITAIN AND IRELAND,

COUNTY OF LANCASTER, CITY OF LIVERPOOL,

*Consulate of the United States of America.*

I, Gerald Leo Kennedy, first being duly sworn, do depose and say as follows:

That my name is Gerald Leo Kennedy.

That I am twenty-seven years of age.

That I am a British subject.

That my present address is "Annagh House," Birr, Ireland.

That I was surgeon on the Cunard steamer *Laconia*.

That I left New York on that vessel on Saturday, February 17th, bound for Liverpool.

That all went well until about 9.30 in the evening of Sunday, February 25th, when without warning the *Laconia* was torpedoed by a German submarine at a position, which I was afterwards credibly informed, of about two hundred miles from the nearest land.

That the cargo of the *Laconia* was mainly cotton.

That the *Laconia* was armed, having one 4.7 gun in the stern.

That the weather at the time was moderate, with rather a heavy swell.

That steps were taken immediately to abandon the ship, and I got into lifeboat No. 13 with between forty-five and fifty other persons.

That about twenty minutes after we had left the ship the submarine, which in the meantime had fired another torpedo into the *Laconia*, came alongside, and somebody from the submarine hailed our boat and called "pull alongside." A general conversation in our boat then resulted, a number of people making replies to the general effect of the best method of bringing the boat alongside the submarine. There was a big swell so we were unable to get alongside of the submarine on account of the danger, but we did get within about five yards. The conversation from the submarine was conducted by one man, and this person, as well as I could see, was leaning out of the conning tower. His tone was entirely impersonal. I assume he was the Commander of the submarine. He spoke English fairly well. The first question he asked was "What is the tonnage of your ship?" Somebody forward in the boat replied that the tonnage was 18,000 tons. He then asked the name of the vessel, and it was shouted out generally *Laconia*. The third question he asked was the tonnage again. There were general replies, repeating the tonnage. He then shouted back, confirming our reply, "18,000 tons." The fourth time he repeated "18,000 tons" with evident pleasure at the size of the ship. It appeared to me that he did not know what was the vessel he had torpedoed, as he seemed particularly pleased on ascertaining that it was so large a ship. His fifth question was, "How many passengers were on board?" We answered 78. I think the next thing he said was that there would be a patrol out in between two or three hours, which would pick us up. The submarine then went on its way.

That when we were drawing near the submarine prior to the above recorded conversation taking place, some of the occupants of my lifeboat were fearful that the submarine intended shelling the boat and said excitedly, "They are going to fire on us." I then heard a man on the submarine laughing derisively at the natural apprehension and agitation of the occupants of the boat.

That I do not accurately know the number of Americans who were either passengers or among the crew of the *Laconia*.

That there were no casualties, except minor injuries, in the lifeboat No. 13.

And that we were picked up by a patrol boat between four and five on Monday morning, February 19th. I am not quite sure of the time as I was suffering from the night's exposure in the boat.

G. L. KENNEDY.

Subscribed and sworn to before me, this second day of March, 1917.

HORACE LEE WASHINGTON,  
*American Consul, Liverpool, England.*

[Seal of the American Consulate.]

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*Consul Frost to the Secretary of State.*

[Extract.]

No. 304.]

AMERICAN CONSULATE,  
*Cork, Received March 15, 1917.*

SIR: I have the honor to transmit hereby, in duplicate, (i.e., the original and a copy) six affidavits and a sworn memorandum relating to the loss of the Cunard S. S. *Laconia*.

I have, etc.,

WESLEY FROST.

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[Inclosure 1.]

*Affidavit of Officers of British Steamship "Laconia."*

KINGDOM OF GREAT BRITAIN & IRELAND,  
*Cork (Queenstown), Ireland.*

We, W. R. D. Irvine, captain; A. W. Robertson, chief officer; H. Morrison, first officer; G. Jones, second officer; and C. T. Spedding, purser; of the late British S. S. *Laconia*, being duly sworn, do affirm:

That the *Laconia* cleared from New York on February 17, 1917, bound for Liverpool, with a general cargo (including cotton, food-stuffs, and nonexplosive munitions), with 77 passengers and 217 officers and crew.

That on February 25, 1917, when the vessel had reached approximately a position of 52 N. 13.50 W., at 10.53 p. m. G. M. T., or 9.50 p. m. A. T., the vessel was torpedoed without any warning whatever, on the starboard side in No. 5 hold aft of the engines and listed to starboard. The passengers and crew took to the boats without disorder, although owing to the list, the starboard boats got away with

least difficulty and consequently carried most of the women and children.

That the ship's way was stopped immediately when the vessel was struck by the torpedo to facilitate in taking to the boats. Approximately twenty minutes after the first torpedo, when most of the boats were clear of the ship, a second torpedo was fired, striking the *Laconia* on the starboard side fair amidships. At the time she was torpedoed, the vessel was making a speed of approximately 16 knots per hour. Her navigational lights were not showing and no other lights out board. The lights were extinguished at once. The ship sank about 60 minutes after the first torpedo had struck.

That some 12 boats got away, and that as far as is known 12 lives were lost in taking to the boats. The sky was overcast, so that it would have been utterly impossible for the submarine to have seen the protecting 4.7 gun on the stern of the *Laconia*. As there was not the slightest prior intimation of the presence of the submarine there could be and was not the slightest attempt to escape or resist the submarine. The wireless apparatus was put into service immediately upon the impact of the first torpedo, and was in touch with Admiralty vessels immediately. Nine rockets were also sent up to indicate the vessel's position. The sea consisted of heavy swells, with a height of 10 to 12 feet from trough to crest, and there was a rather light breeze with considerable chill in the air as the night wore on.

That the submarine came alongside the lifeboat which was in charge of Officer Coppin and asked for the Captain, and made inquiries concerning the ship's cargo. No offer of assistance was made and no inquiry as to casualties. As the ladies in the boat were apprehensive, the submarine Officer, who spoke excellent English, reassured them and said that the Admiralty patrols were on their way to the scene and would reach it in a very few hours.

That the Admiralty vessel reached the boats between 3.30 and 5 a. m., February 26; and gradually took on board their occupants, the operation being very difficult by the heavy swells. In one boat, No. 8, there were deaths from exposure.

Witness our hands.

W. R. D. IRVINE, *Master*.  
A. W. ROBERTSON, *Ch. Off.*  
L. H. MORRISON, *1st Officer*.  
G. JONES, *2d Officer*.  
C. T. SPEDDING, *Purser*.  
S. WOOD, *Senior 3d Officer*.

Subscribed and sworn to before me this 27th day of February, anno 1917, as witness my hand and seal of office.

WESLEY FROST,  
*American Consul.*

[Seal of the American Consulate.]



[Inclosure 2.]

*Affidavit of Arthur T. Kirby, American Citizen, passenger.*

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,  
*City and County of Queenstown, Ireland.*

EAST OF QUEENSTOWN, *February 25, 1917.*

I, Arthur T. Kirby, American citizen, resident of Bainbridge, New York, being duly sworn, do affirm as follows:

I was a passenger aboard the steamship *Laconia* and sailed from New York February 17, bound for Liverpool. On Sunday, February 25, at about nine thirty o'clock in the evening according to my watch, and when the ship was in a position some two hundred miles off Queenstown, I was sitting in the lounge on the boat deck of the *Laconia*.

I felt the boat shake from a decided shock, and immediately heard a muffled thud. Instantly five short blasts were blown on the ship's whistles, the signal that we had been torpedoed. I did not see the submarine and knew of no warning being given before the torpedo struck.

I managed to get into a boat which was lowered into the water from the starboard side of the ship. There was a sea of big swells running, but the water was not choppy. The air was cold and grew colder toward morning. The sky was overcast and threatened a storm. A rising wind with a seeming increasing largeness in the swells toward morning made it colder and rougher in the life boat.

After the first torpedo struck and after the expiration of about thirty minutes there was a second explosion, which caused the *Laconia* to settle about six feet more suddenly. The lights went out immediately. The boat sank completely from view about fifteen minutes after the lights went out.

I saw no measure taken by the submarine for the safety of the *Laconic* survivors. We were buffeted about six hours before being picked up. To the best of my knowledge, the *Laconia* was not endeavoring to escape when she was hit, and I do not believe that anyone on the ship was aware that a submarine was near. Two American women were drowned. They were Mrs. Hoy and her daughter, of Chicago.

Witness my hand.

ARTHUR T. KIRBY.

Subscribed and sworn to before me this 27th day of February, 1917, in testimony whereof I have hereunto annexed my hand and seal of office.

WESLEY FROST,

*Consul of the United States of America.*

[Seal of the American Consulate.]

[Inclosure 3.]

*Affidavit of Mrs. F. E. Harris, Survivor of "Laconia."*

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,  
*County of Cork, Ireland.*

I, Mrs. Frank E. Harris, American citizen, being sworn, do affirm:

I was a passenger on the *Laconia*. She was torpedoed without any warning at 10.40 p. m., February 25, 1917, the night being cloudy, the sea heavy swells, and the breeze moderately chilly. There was no attempt to escape; and the submarine offered no assistance.

We were in the boats until 5.00 a. m., when we were picked up by an Admiralty patrol, and brought to Queenstown, where we were most hospitably entertained.

I was in the last boat to leave the vessel; and the second torpedo struck the ship just as we were leaving, about 30 minutes after the first torpedo. I lost all my valuables.

MARIE B. HARRIS.

Subscribed and sworn before me this 27th day of February, anno 1917.

WESLEY FROST,  
*Consul of the United States of America.*

[Seal of the American Consulate.]

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[Inclosure 4.]

*Joint affidavit of F. Dunstan Sargent and Jacob Fotheringham.*

We, Rev. F. Dunstan Sargent, O. P., c/o St. Dominic's Priory, Southampton Rd., Hampstead, London, N. W., and Jacob Fotheringham, 36 York St., Sidney, N. S. W., being duly sworn, affirm:

We were occupants of No. 8 boat, leaving the *Laconia* at about 10 p. m., apparent t., port amidships. The davits originally jammed, the boat scraped against the ledge of the ship's side, and when the after davit came free the boat dropped suddenly along the side, the clinker-built boards of the boat ripping or springing open. We shipped a sea in taking the water, and the sea came in through the sprung sides, so that the boat was awash at the center by the time we cleared the stern. The boat floated only because of its tanks, and its buoyancy of timber.

The water was moderately cold, not icy, and the wind became bitter about 2 a. m. There were either 22 or 21 persons in the boat; and the

first to succumb was a Manchester business man, who died shortly after midnight. Mrs. Mary A. and Miss Elizabeth Hoy were slightly forward of the center standing up. As we sat in the boat the water reached the stomach; and as these ladies stood up it reached their hips—pelvic basin. They spoke to one another from time to time; but seemed dazed and numbed. Mrs. Hoy succumbed between one and two o'clock; and the daughter about two-thirty, after trying to wake her mother.

The American negro, Tom Coffey, died about one-thirty and affiant Fotheringham threw his body over about ¼ hour later. After this two or three bodies were thrown over; but the Hoy ladies were not thrown overboard until daylight, about 5.15 a. m. The total deaths were either seven or eight. The survivors were picked up about 6.45 a. m. by H. M. S. *Crocus*.

F. DUNSTAN SARGENT, O.P.  
JACOB FOTHERINGHAM.

Subscribed and sworn to before me this 27th day of February, anno 1917.

WESLEY FROST,  
*Consul of the United States of America.*

[Seal of the American Consulate.]

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CASE OF THE "ALGONQUIN."

*Consul Stephens to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Plymouth, March 14, 1917.*

Steamer *Algonquin* of New York, from New York for London with food stuffs, sunk by German submarine sixty-five miles west of Bishops, March twelfth, six a. m. Captain reports vessel not warned and sunk by shell fire. Crew of twenty-seven all saved in own boats. Submarine refused assistance. No other boats in sight.

STEPHENS.

*Consul Stephens to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Plymouth, March 15, 1917.*

Summary affidavit Captain Norberk Steamer *Algonquin*: cargo food stuffs, copper, tin, machinery, acids, formaldehyde, New York for London, attacked without warning by German submarine. *Algonquin* flying American ensign, American flag painted on ship's sides, weather clear, sea calm, firing ceased only after lifeboats were clear ship. Vessel sunk by shell fire and bombs. Captain made no attempt escape. Submarine stopped engines first shot. Crew twenty-seven hours in boats, no hardships other than fatigue, none injured, no vessels sighted after attack. Affidavits Chief Mate Frank Kerney, Chief Engineer Charles Schultz, confirm Captain's affidavit. Affidavit mess boy James Finnerty confirms other affidavits with addition that crew suffered severely from exposure to cold in lifeboats during night. Gives name of submarine *U-38*. STEPHENS.

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CASE OF THE "VIGILANCIA."

*Consul Stephens to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Plymouth, March 21, 1917.*

Summary affidavits, crew *Vigilancia*, ship from New York, February twenty-eighth, for Havre with general cargo, sunk in seven minutes, one hundred and forty-five miles west Bishop on March sixteenth ten a. m., by torpedo from submarine unknown nationality. Periscope submarine seen. No warning given. No other vessels in sight. Weather clear, moderate swell. Ship flying ensign and fully marked. Fifteen crew drowned in launching boats, of these, six were Americans, five Spanish, two Greeks, one Peruvian, one Venezuelan. Submarine unknown nationality followed lifeboats from ten Friday night until four Saturday morning. Crew landed Scilly Islands after fifty-four hours in lifeboats, suffered greatly from injuries and exposure. STEPHENS.

## CASE OF THE "ILLINOIS."

*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*London, March 19, 1917.*

American tanker *Illinois*, London to Port Arthur, sunk Saturday, 8 a. m., twenty miles north of Alderney. Entire crew of thirty-four landed safe 2.40 a. m., eighteenth. All hands proceeding to Southampton.

SKINNER.

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*Consul Swalm to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Southampton, March 23, 1917.*

Captain and crew of American submarined ship *Illinois* landed here from Guernsey this morning. They number 34, Americans 16. Vessel bound London, Port Arthur, Texas, in ballast. Submarine sighted twenty miles north of Alderney March 18th, 8 forenoon. Was shelled without warning, German submarine. Weather fair, no vessels in sight, no measures taken for safety of crew and towing refused. Shelling continued until crew was in their own boats. Did not try to escape or resist. One man slightly wounded. Ship finally sunk by bombs placed in and outside. Crew six hours in boats. Last ten miles towed Alderney motor boat. Crew sent London immediately.

SWALM.

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CASE OF THE "CITY OF MEMPHIS."

*Consul Frost to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Cork (Queenstown), March 18, 1917.*

American steamship *City of Memphis* from Cardiff to New York sank by German submarine 4 p. m. 17th instant, 35 miles south of

Fastnet. 15 survivors landed Schull 7 a. m. to-day, 34 additional survivors are on Admiralty vessel which continues search for 8 missing. Will land Baltimore probably to-day. I hope report details this evening. Take affidavit to-morrow. This to Ambassador, Consul General. FROST.

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*Consul Frost to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,

*Cork (Queenstown), March 18, 1917.*

*City of Memphis.* 33 survivors landing here now. Vessel was sunk by gunfire. Submarine large type, remained on scene after crew left ship. Refused request to tow boats toward land. Weather not severe, but threatening. Survivors Schull included Allen Carroll, second officer; Rank McTherson, second engineer; Robert Shea, surgeon; John Walkin; Henry Canty; Gussee Canty; A. D. Henton, all Americans, and five Spaniards, one Portuguese, one Swede, one Russian. This to Ambassador, Consul General. FROST.

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*Consul Frost to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,

*Cork (Queenstown), March 18, 1917.*

Thirty-three survivors *City Memphis* do not include Captain L. P. Borum and four other Americans and four non-Americans, but indications are that these are safe on board some merchant or Admiralty vessel which has no wireless. Captain's boat did not separate from others till one a. m. to-day and was picked up empty at 10 a. m., weather meanwhile remaining moderate. Vessel cleared Cardiff 16th in ballast with 58 persons, including 29 Americans, at 3.55 p. m. 17th; submarine fired warning shot from three miles on starboard quarter. Vessel was stopped, submarine approaching to one mile fired once more fragments striking vessel, ship then only being able read submarine signal to abandon ship. Instantly captain replied by long

blast whistle signifying comprehension, then gave four short blasts signal to crew to take boats immediately, which was done in five minutes, about 4.15; no injuries. Submarine then came up hailed captain's boat and then fired eight shots, sinking vessel at about 4.40 p. m.; apparent time conversation with captain's boat at present unknown, weather heavy, southwest swell, moderate southwest breeze, sky squally, weather improved during night. First officer's boat picked up by Admiralty ship 3.45 a. m. to-day, chief engineer's boat 6.30 a. m. to-day by same vessel landed Queenstown 4.30 p. m. to-day without accident. *City Memphis* carried wireless but did not use same; carried no gun; no attempt resist, escape. When captain is located he may have further evidence. Survivors here include first officer, Charles G. Laird; Chief Engineer, W. I. Percy; Assistant Engineer, Fred Bevill; M. J. Dierlam; Third Officer, W. M. Thomson; Third Engineer; and P. J. Donohue and T. J. Welch, Wireless Operators; and eight other Americans; 10 Spaniards; 2 Danes; and one each Swede, Russian, Chilean. *City Memphis* was stopped by submarine February fourth off Scillies, see report Consul Osborne. Failure to use wireless this time was due to experience of former occasion inducing belief that ship would probably be passed if wireless not started. Survivors will assemble Queenstown pending instruction from owners Ocean Steamship Company, Pier 35 North River, New York. This to Ambassador, Consul General. Frost.

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*Consul McCunn to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Glasgow, March 20, 1917.*

Captain Borum with eight members of crew of *City of Memphis* arrived Glasgow twentieth. Captain reports *City Memphis* was sunk four p. m. March seventeenth by German submarine forty-four miles off Irish coast. No resistance offered, Captain ordered to abandon ship immediately. Warned by two shots across bow, four boats were launched with difficulty in rough sea taking off all crew. Ship was subsequently sunk by gunfire, no other steamers in sight. No assistance offered crew by submarine. Eighteen hours in open boat before

rescue. Ship was bound from Cardiff to New York in ballast, total crew fifty-eight, including thirty Americans. Remainder crew report landed Ireland. Names crew landed Glasgow: H. O. Bevill, N. P. Clausen, Charles Walker, David Jackson, Fred Prutting, S. Ludvigsen, Manuel Lopez, Manuel Barbrito, no casualties reported here, full affidavit taken. Embassy advised. McCUNN.

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CASE OF THE "HEALDTON."

*Consul Mahin to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
Amsterdam, March 22, 1917.

Standard Oil ship *Healdton*, from Philadelphia for Rotterdam, cargo oil, torpedoed without warning eight fifteen evening of twenty-first, twenty-five miles north of Terschelling, Holland. Twenty of crew drowned, one died injuries, others more or less injured, forty saved, thirteen brought to Ymuiden others to northern Holland. Submarine seen after torpedoing. No doubt German. More details to follow. MAHIN.

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*Consul Mahin to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
Amsterdam, March 23, 1917.

Supplementing telegram twenty-second *Healdton* lights showed name and American flag painted on sides also flag flying at stern, two torpedoes, one entered amidships at name, other at flag; ship sank in few minutes, three boats lowered, one capsized, drowning occupants; one with eight reached northern Holland, one man dying of injuries, another badly hurt; thirteen in other boat twelve hours suffered cold wind, choppy seas, brought by Dutch trawler to Ymuiden, submarine appeared after boats lowered, offered no assistance, indistinct in darkness but undoubtedly German, disappeared when ship



sunk, no other vessel in sight. Crew forty-one, thirteen Americans, rest various nationalities, twenty-one lives lost, seven Americans: Third Assistant engineer Johnson of Hoboken; second mate Chandler, New York; third mate Hudgins, Norfolk; oiler Levereaux, Michigan; cabin-boy Healy, San Francisco; sailors Smith, Chicago; Steiner, Pittsburg. Ship's papers and personal effects lost. Affidavits by mail. MAHIN.

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*Vice Consul Krogh to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*Rotterdam, March 24, 1917.*

Captain Charles Christopher, tank steamship *Healdton* arrived Rotterdam and supplies following details required by Department's instructions:

*Healdton* left Philadelphia January twenty-sixth last, called to Halifax by wireless February ninth, left Halifax March second, arrived Bergen March seventeenth, departed Bergen March twentieth, bound for Rotterdam, cargo six thousand two hundred tons petroleum. Voyage uneventful until eight fifteen evening March twenty-first, when ship lay twenty-five miles north by east of Terschelling Lightship; torpedoed twice without warning. First torpedo hit amidships, all lights went out. Second torpedo hit further aft under flag painted on side, port bunkers were ablaze, and ship began to settle. After first torpedo shock Captain ordered engine stopped and crew took boats. Vessel began list aport. Captain made farewell search for missing members crew. One boat tried pull away sinking vessel and capsized. Captain saw submarine approaching when he was laying off *Healdton* watching vessel sink. Nationality submarine impossible to determine because it possessed no distinguishing marks and was seen from distance one hundred feet *towards*, (?) no words were exchanged with submarine. From actions Captain and crew believe submarine undoubtedly German. No other vessels were present or within sight when *Healdton* torpedoed. Submarine made no effort to assist crew or officers to save their lives but disappeared immediately after *Healdton* sank. Ship's papers were not demanded. Captain

with twelve men rowed and sailed in open boat for Terschelling Lightship. At eight o'clock morning March twenty-second boat was picked up by Dutch Trawler *Java 164* about ten miles from Dutch coast. Another boat containing first mate and seven men picked up by Dutch torpedo boat *G-13* near Terschelling after seventeen hours' exposure, rescued at two o'clock afternoon March twenty-second. No details at hand concerning those drowned in capsized boat or on ship except one Norwegian with arms and legs frozen brought Ymuiden by steamer trawler *Ocean 4*. Perils and hardships suffered by all survivors extraordinary, some possess 54 (?) no clothes; others had no shoes; two naked stokers, Jose Jacinto and Jose Gonzales, died from exposure, the former in mate's boat, latter in hospital to-day. Stokers had clothes burnt off by fire in boiler rooms. All members crew partially clothed; one man in captain's boat, G. W. Embry, home New Orleans, first assistant engineer, would have died exposure and fatigue without clothes if trawler had picked up small boat one hour later. All suffered from fatigue. Second assistant engineer only wore underclothes and barefooted. Every member crew states decisively that *Healdton* torpedoed without warning. Ship made no effort escape or resist. Captain ordered engine stopped after first torpedo. No flight was attempted because ship crippled. Vessel going ordinary speed on peaceful voyage, unarmed, when torpedoed. *Healdton* was torpedoed when all members crew, forty-one men in all were on vessel, both torpedoes struck before anyone could leave ship. Casualties were as follows: Nineteen men either died in capsized boat by ship or from suffocation in bunkers. Captain believes two members crew were never able reach lifeboat because on watch below or in engine room. Two other men as previously mentioned died from exposure and burns; engineer Embry badly frozen; other survivors with minor afflictions as bruised and frozen ears and fingers. When vessel torpedoed there was moderate northwest breeze on choppy sea. Heavy snow squalls were encountered by survivors in open boats and weather during whole night was below freezing. All survivors have now reached Rotterdam. Of crew numbered forty-one, thirteen were American and twenty-eight other nationalities. Thirteen members of crew who were Spanish, Portuguese, Swedish and Norwegian were drowned. Fate of Americans on board follows: Captain Charles Christopher, home Brooklyn, saved; first mate Otto Willrup, home New York, saved; second mate W. Chandler, home Brooklyn, drowned

or suffocated; third mate Sludgins, home Norfolk, Virginia, drowned; third assistant engineer W. C. Johnson, home Hoboken, New Jersey, drowned or suffocated; oiler Emery Lee Veaux, home Michigan, drowned or suffocated; able seaman S. W. Smith, home Chicago, drowned; sailor John Steiner, Pittsburg, Penn., drowned; second steward George Healy, San Francisco, California, drowned; chief engineer John Caldwell, New York, saved; first assistant engineer, G. W. Embry, New Orleans, saved; second assistant engineer G. Swanson, Brooklyn, saved; wireless operator H. Parker, Philadelphia, saved; complete affidavits following. **KROGH.**

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CASE OF THE "AZTEC."

*Consular Agent Pitel to the Secretary of State.*

[Telegram.]

AMERICAN CONSULAR AGENCY,  
Brest, (Received) April 3, 1917.

*Aztec* sunk April first, nine p. m. Official report following through Paris. **PITEL.**

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*Ambassador Sharp to the Secretary of State.*

[Telegram.]

No. 1969.]

AMERICAN EMBASSY,  
Paris, April 2, 1917.

Foreign Office has just informed me that the American steamer *Aztec* was torpedoed at 9 p. m. last night far out at sea off Island of Ushant. That one boat from the steamer has been found with 19 survivors, who were landed this afternoon at Brest. Twenty-eight persons are still missing and although two patrol vessels are searching for them, the stormy condition of sea and weather renders their rescue doubtful. Foreign Office not informed of names of survivors. Will cable further details as soon as obtainable. **SHARP.**

*Ambassador Sharp to the Secretary of State.*

[Telegram.]

No. 1974.]

AMERICAN EMBASSY,  
*Paris, April 4, 1917.*

Referring my number 1970, third.

Following taken from deposition of Captain O'Brien, steamer *Aztec*, nine thirty p. m., April first. Nine miles WSW. Ushant Light when on the bridge Captain saw a large flash on the port side forward of the bridge and simultaneously heard an explosion. The explosion was not very loud but appeared to have great force as the boat seemed to be lifted to one side. No submarine nor torpedo was seen. Ship settled back, began to sink forward, listing to starboard and continued to sink very rapidly. The explosion had disarranged the lighting system and wireless outfit. Ship was in complete darkness. All efforts were made to discover any presence of a submarine, nothing was seen. After ten minutes the ship was completely under forward so the Captain gave orders to stand by the boats to abandon the ship. The moon was shining, but the sky was overcast with frequent hail and rain, squalls. A light westerly gale was blowing and sea was very rough. About nine forty the Captain gave the order to abandon the ship. Three boats were launched; boats one and three were on the starboard side, two on the port side. Captain tried to get ship's papers, but when he returned on deck boat number two was gone according to the mate. She had been broken up in getting away from the ship, being on the weather side. Boats one and three were successfully launched, containing all the remaining members of the crew. Owing to darkness and rain it was impossible to tell who was in number three boat. Number one boat contained nineteen men, Lieutenant Gresham, eleven of the armed guard, the first mate, the third mate, the third engineer, the boatswain, the wireless operator, the messman, and the Captain. He saw no trace of number two boat; number three boat was lost sight of after fifteen minutes. The *Aztec* was visible for about twenty minutes and then disappeared in a rain squall. The *Aztec* had her colors flying over the stern, but carried no lights at time of sinking. After three hours number one boat was picked up by a French patrol boat, which, after unsuccessfully searching until after daylight for the other two boats, proceeded to Brest, where the survivors landed on the second instant.

SHARP.

THE AMERICAN JOURNAL OF INTERNATIONAL LAW

CASE OF THE "MISSOURIAN."

*Consul General Wilber to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*Genoa, Received April 5, 1917.*

Med American steamer *Missourian*, 4,981 net tonnage, Mas-  
am Lyons, built Sparrow Point, owners American Hawaiian  
nship Company, fifty-three crew all told, including master and  
rs, thirty-two American citizens, balance various nationalities,  
rding records this office sailing from Genoa April fourth, in water  
st, bound for United States, sunk without warning according to  
am just received from Master as follows: "Dated Porto Mau-  
fifth. American Consul, Genoa. Sunk without warning, crew  
, leave for Genoa seven o'clock p. m. April fifth. Lyons." As  
as Master and crew arrive will prepare and transmit full report  
quired.

WILBER.

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*Consul General Wilber to the Secretary of State.*

[Telegram—Extract.]

AMERICAN CONSULATE GENERAL,  
*Genoa, April 5, 1917.*

Later information regarding sinking steamer *Missourian* by sub-  
marine same. Occurred four-thirty afternoon fourth, vicinity Porto  
Maurizio, Italy.

## 2. SUBMARINE WARFARE—AUSTRIA.

CASE OF THE "ANCONA."<sup>1</sup>*The Secretary of State to Ambassador T. N. Page.*

[Telegram.]

No. 375.]

DEPARTMENT OF STATE,

Washington, November 10, 1915.

Reported Italian steamer *Ancona* sunk by submarine and surviving passengers landed Bizerta. Telegraph facts available and whether any Americans among passengers.

LANSING.

*Ambassador T. N. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,

Rome, (Received) November 10, 1915.

Reported here one American first-class passenger, Cecil Grey, and twenty-six American third-class passengers conjecturally naturalized lost on *Ancona*.

NELSON PAGE.

*Ambassador T. N. Page to the Secretary of State.*

[Telegram.]

No. 427.]

AMERICAN EMBASSY,

Rome, November 10, 1915.

Later report Americans believed lost on *Ancona*: Alexander Patattivo of New York, his wife and four children; Mrs. Francis Mascolo Lamura; also about twenty other third-class passengers believed Americans. Mrs. Cecile L. Greil, first called Gray, now reported safe.

NELSON PAGE.

*Official announcement of the Austro-Hungarian Admiralty.<sup>2</sup>*

Official Austro-Hungarian Admiralty reports foreign press spreads false reports about sinking *Ancona*, which took place as follows: sub-

<sup>1</sup> For additional correspondence concerning the *Ancona*, see Special Supplement, 1916, pp. 297-305.

<sup>2</sup> Transmitted to the Department of State by the Austro-Hungarian Chargé, November 15, 1915.

marine fired one shot before steamer's prow, upon which steamer fled full speed, according order Italian authorities, which runs flee or sink submarine. Submarine pursued steamer and continued firing. Steamer stopped only when hit several times. Submarine allowed 45 minutes abandon steamer, where panic reigned, but only small number boats were lowered and occupied principally by crew. Great number boats, probably sufficient for save all passengers, remained unoccupied after 50 minutes. Submarine in presence other approaching steamer submerged and torpedoed *Ancona*, which sank after 45 minutes. If passengers lost life, this by crew's fault, because steamer tried escape when received order for stopping, and then crew only saved themselves not passengers. Foreign press reports submarine fired on life-boats mendacious inventions. When steamer stopped submarine ceased firing.

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*Consul White to the Secretary of State.*

AMERICAN CONSULATE,  
*Naples, December 6, 1915.*

SIR: In compliance with the Department's cabled instruction of the 13th ultimo<sup>1</sup> to obtain if possible affidavits of survivors of the S. S. *Ancona* and a subsequent instruction received through the Embassy at Rome, there are inclosed herewith statements and affidavits as follows:

1. Statement of the captain in command.
2. Statement of the first officer.
3. Verbal statement made by the first officer in the presence of J. P. Jackson, lieutenant commander, United States Navy, assistant attaché, naval, American Embassy at Rome, and William Garguilo, clerk of the American consulate at Naples.
4. Copy of an affidavit made by Mrs. Cecile L. Greil, in the presence of Lieut. Com. J. P. Jackson and Edward H. Capp, employed at the American Consulate at Naples, and sworn to before Jay W. White, American consul at Naples.
5. Copy of an affidavit made by Mrs. Greil before Dean B. Mason, American consul at Algiers, Algeria.

<sup>1</sup> Not printed.

6. Copy of an affidavit made by Irlando Patalivo, American citizen, in presence of Dr. Buonacore, American Public Health Service, contract physician, and William Garguilo, signed by Jay White, American consul at Naples.

7. Statement made by Dr. Tomasso Giordano, senior doctor of the S. S. *Ancona*, made in the presence of Lieut. Com. J. P. Jackson and Dr. Buonacore.

8. Statement made by Mr. Alberto Piscione, cabin passenger on the S. S. *Ancona*, made in the presence of Lieut. Com. J. P. Jackson and William Garguilo.

9. Statement made by Isaac Strachlevitz, a British subject, and passenger on the S. S. *Ancona*, made in the presence of William Garguilo and Edward H. Capp, and sworn to before Jay White, consul of the United States at Naples.

10. Affidavit made by Domenico Tamboni, steerage passenger on the S. S. *Ancona*, made in the presence of Dr. Buonacore and Nicola Guarini, clerk in the Naples consulate, and sworn to before Jay White, consul of the United States at Naples.

11. Ilazione Azzolini, copy of affidavit made by Ilazione Azzolini, steerage passenger on the S. S. *Ancona* made in the presence of R. F. St. Leger, clerk in the United States Public Health Service, and Edward H. Capp, and sworn to before Jay White, consul of the United States at Naples.

At the time of the arrival of the captain, first officer, and crew of the S. S. *Ancona* on board the S. S. *Cagliari* at the port of Naples, the consul at Naples made a request to the Italian port officer at Naples for permission to visit the ship. It was explained by the port officers that an Italian commission was about to visit the steamer and take the testimony of the officers and crew of the S. S. *Ancona*.

The port officer explained that his instructions were to allow no one on board aside from the Italian commission.

The Department's instruction was then called to his attention and he extended the courtesy to the consular officer to go alongside to ascertain if there were any Americans on board, and to the query a negative answer was received. It was further explained that no doubt a copy of the testimony taken by the Italian commission would be duly furnished to the American Embassy at Rome.

As the instruction received by the Naples consulate pertained to American citizens only, the matter was not further pressed at that



time. The material evidence, however, was subsequently obtained and transmitted to the American Embassy at Rome; that is that which is embodied in the within inclosures and in compliance with the instruction received from the Department through the Embassy but not received until the officers and crew had been dispersed.

All of the inclosed data is now transmitted to the Department as a confirmation of the evidence previously furnished to the Embassy.

It would be considered a courtesy if the Department would approve the action taken by the Naples consulate in the matter and any further testimony obtained will be duly forwarded to the Embassy and the Department of State.

Up to the present time but two American survivors, Mrs. Greil and Irlando Potalivo, have been reported and they have returned to Naples and their testimony taken and transmitted as indicated above.

I have, etc.,

JAY WHITE.

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[Inclosure 1—Translation.]

*Statement of Pietro Massardo, Captain of the Steamship "Ancona."*

The undersigned captain, who commanded the steamer *Ancona*, of the Maritime Department of Genoa and belonging to the "Italia" Society with directing headquarters at Naples, hereby reports to Your Excellency as follows regarding the sinking of the steamer:

We left Naples on November 5, 1915, at 5.30 o'clock p. m. for Messina with the following passengers:

Third class, 194, for New York.  
Second class, 63, for New York.  
First class, 4, for New York.

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261

Crew, including all, 174.

General merchandise, about 2,000 tons, for New York.

Having arrived on the 5th at Messina, we left again on the same day at 5 o'clock p. m., having embarked the following passengers:

Third class, 45, for New York.  
Second class, 16, for New York.

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61

General merchandise, about 500 tons.

At 5.30 a. m. of the 7th we were at the Traverso di Marittima at a distance of about 25 miles.

About 10 a. m. we sighted toward the prow on the right a steamer which we were gradually approaching.

At almost the same time the telegrapher reported to me that he had heard the following signal from the steamer *France*: "We are being cannonaded and torpedoed by German submarine."

It did not give its position and nothing else was heard.

I directed the course about 4 degrees more to the north. At 10.30 we were wrapped in a more or less dense fog, wind from southeast, light, sea hardly moved. However, giving the command "Beware at the engine," we continued at full power, whistling from time to time and increasing our vigilance. Taking into account the notice received, it did not appear to me suitable to reduce speed.

About 11 o'clock, from the direction of the prow and a little to the right, the whistle of a steamer was heard; we answered regularly, considering that it must be that of the steamer which we had sighted about 10 o'clock.

At 12.30 o'clock the fog began to thin out from the south towards us, and to the north gradually.

About 11.55 I was scrutinizing the horizon ahead toward the north with the fieldglass, trying to sight the steamer that was whistling, because still in the fog, and all of a sudden there appeared to me a rather long hull which I judged to be quite a large submarine, at a distance of about five miles. Descrying the submarine, hearing a cannon shot, and seeing the water splash up from being struck a short distance from us was all one thing. The officers were at that moment intent upon taking the height of the sun. I ordered the national flag hoisted immediately; at the engine, to close the watertight bulkheads, to stop the right engine in order to present the stern to the submarine, and then immediately afterwards, engines with full force ahead and in zigzag, in the hope of being able to escape pursuit and the projectiles.

I watched the submarine with the fieldglass in order to ascertain whether it was gaining on us. The fire of the cannon became more accurate. The telegrapher immediately sent forth the signal: "*Ancona* cannonaded and torpedoed," together with the position just given by me as 38° 08' N. Lat., 10° 08' E. Long. The wireless having been injured by the first cannon shots, there could no longer be any certainty that the signals had been received by any station, Italian or French.

The passengers and crew were of course panic stricken and all ran to the lifeboats with cries of despair.

Having become convinced that we had to deal with a very rapid submarine, and that it was approaching us quickly, I ordered the engines stopped and directed the helmsman to come clear to the right, in order to let it be known that we had stopped.

From the right side of the deck where I was I went over to the left side and saw the three deck boats in the water, some still held back by the painter and some by the tackle, and about to capsize, being crowded with crew and passengers, all yelling desperately. The steamer was then making not less than ten miles an hour. At least two of these boats must have capsized.

From the start we had eight of the large life boats outboard, ready to be lowered. Before the steamer had stopped, seven of these had already been lowered with passengers and crew, two-thirds being officers and Messrs. Salvemini and Cardella having taken seats therein.

The submarine approached to within 250 or 300 meters, continuing to fire cannon shots at intervals, and from the jars of the steamer and the shrill cries I inferred that we had been hit and that there must be some killed and wounded.

The submarine finally hoisted a brand new Austrian flag and stopped at the distance mentioned above. I then perceived about ten men on the turret dressed in canvas uniform, and saw that the vessel was armed with two cannon, one on the prow, the other astern, and both pointed at us, with men ready at their sides.

I then went down from the deck. I lent a hand at lowering another boat on the gangway to the right. The first officer Mr. Giacomi, the third officer Mr. Razzeto, and the two seamen remaining there, Michael Capria and Paul Casseris, were intent upon lowering another boat on the right quarter deck. I noticed that one boat out of the eight which were ready to be lowered had been staved in. Entering the officers cabin, I noticed that everything was in fragments from the cannon shots.

The few passengers remaining on board, women and children, were running about frantically.

The submarine meanwhile came directly over to our prow, and at that instant a tremendous jar caused the steamer to bound upward; they had struck us on the prow, probably on the right side, with a torpedo. The steamer began to sink on the right, submerging the prow.

The telegrapher, Mr. Buffa, was near me. The first and second officers and two seamen—all who remained—came running to me and I learned that the lifeboats of the stern quarterdeck, to the left, were smashed to pieces by the cannon shots; one of the smaller boats remained intact; this was No. 10 on the left gangway, and we succeeded with great efforts in putting it out and letting it down into the sea, the women and children who were on the gangway being embarked therein provisionally. The third officer and the telegrapher were embarked therein with orders not to move off too far. They at once saved two women from the sea near the steamer, one of them having an arm broken.

Being aware of the imminence of the danger and that there was nothing more that I could do, I girded a life preserver and the first officer and I jumped into the sea. Swimming toward the lifeboat, we were embarked therein shortly afterwards.

The cannon of the submarine were pointed at us and we probably owe our salvation to the fact that we had lost our caps with galloons on them and that we were without our uniform coats on. While the steamer was sinking at the prow, we saved from the sea the first engine driver, Mr. Tuo, and the second engine driver, Mr. Geraudo, both almost exhausted. We approached some fragments of a lifeboat and saved two Greeks and an Italian woman; we also saved the firemen, Brancaccio, d'Ambrosio, and Di Donna, the latter with a wound from a projectile on one arm.

About a hundred meters off from us was a capsized boat with passengers and crew clinging to it. I should like to have continued the work of saving, but we were already sufficiently laden, and to have approached them and taken them on would have meant the loss of all. The officers and seamen saved with me dissuaded me from doing so.

About 2 p. m. the steamer sank at the prow, leaving a large quantity of rafts and débris on the surface.

It was not until then that the submarine withdrew from us. I was unable again to perceive the steamer sighted at 10 a. m. before the fog, but I have no hesitation in asserting that it was the supporting steamer, that it was the steamer which had whistled during the fog, and that it was the deceiving steamer. On board our boat were 13 members of the crew, including myself, and 15 passengers, including women and 2 children. I calculated that we were 60 miles from Cape Bon. It was then 3 p. m. We hoisted the sail and departed from the scene of the disaster, heading S. I. SW., presumably toward Cape Bon and the coasts in the neighborhood.

In sight quite a distance off from us were the sails of five other life boats. The wind was light from southeast, and all were headed approximately toward the south, with sea to the left.

Night having come on I was able, by means of red fire flashed at intervals, to satisfy myself that all the five boats were continuing to follow the same course.

We being to the leeward of all of them, notwithstanding I hugged the wind all I could I did not succeed in getting close enough to them to make myself known. We were in sight of the five boats until almost dawn.

Meanwhile a fresh breeze from southwest blew up, with a heavier sea. The clouds thinned out and a fine rain began falling. The weather became so much more threatening that we almost despaired of being saved. When daylight came we descried the land rather far ahead. We continued with the sail, aiding with the oars.

During the day the weather grew fair again, both wind and sea abating considerably, but still we were being visibly carried to the east by a strong current from the west.

On the morning of the 9th about 10 o'clock a. m., exhausted by the fatigue and hardships, we landed on Zembra Island in a small cove, where we were received with great care and kindness by the staff of the small military post established there. We were able to rest and satisfy our hunger there, while the small telegraph station gave notice to Tunis of our landing.

Next day—November 10, at 10 a. m., the small steamer *Eugenie Resal*, sent expressly from Tunis by the governor in accord with the Italian consul, took us on and carried us to Tunis together with the crew and passengers of boat No. 1, commanded by the third officer Mr. Salvemini, who had landed at Sidi Oaoui and who had embarked there before us. Our lifeboat, at my request, was towed to Sidi Oaoui, where the other boat is, by a tugboat of the Parodi firm, which had also kindly come to our assistance.

I will further attest that both crew and passengers were all saved with no other wearing apparel than what they had on at the moment of the catastrophe, and that some of the members of the crew in particular arrived almost naked, being covered as best they could with clothing kindly lent by women; also that every one, from the undersigned down to the last member of the crew, lost everything.

Very respectfully,

(Signed)

PIETRO MASSARDO.

TUNIS, November 12, 1915.

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[Inclosure 2—Translation.]

*Sworn declaration of Andrea Giacomino, First Officer of S. S.  
"Ancona," to the Italian Commission of Inquiry.*

On November 7, 1915, at about 11.55 a. m. the Italian steamship *Ancona*, of the Società Italiana di Navigazione Italia, was at 38.08 degrees latitude and 10.08 longitude East Greenwich, after having navigated all the morning in a fog which at times was dense, while at others light. The *Ancona* was whistling at rare intervals. These whistles were answered by another high whistle, which was retained to belong to the cargo boat which preceded us at about 5 miles and that I was able to sight distinctly during the minutes which preceded midday, while I was measuring the sun's height. As I could not suspect of what utility the characteristics of that vessel would be, I firmly state that it was a submarine; as to further details I am sorry

that I can not add any, except that it had two masts in the form of a cross.

While I was with the other officers on the bridge measuring the height of the sun, I heard the shot of a gun coming from my left and immediately the voice of my commander shout: "A submarine." I ignore all the maneuvers which were carried out in the intent of avoiding or escaping it; what I recall very well is, that to a first shot others followed, part of which I saw failed to hit us.

I ascertained that other shots had hit us in the superstructures and especially in the lifeboats on the right, in consequence of which many of such boats remained useless. As far as I was concerned, knowing that the commander was on the bridge, I thought to direct my efforts in the rescuing and stopping, as far as possible, those who unconsciously tried to lower the lifeboats. I helped two sailors to lower some of them. The fire had stopped meantime. How long a time had passed from the first shot to the last, which I interpreted to be the signal of the torpedo, I can not state precisely; I only remember that I, returning from the quarter deck, after having lowered the only lifeboat which was still in good condition, heard a last shot, and a little while afterwards, my eyes looking on the sea, saw the white track of the torpedo which was going to hit us. I had just time to go around the ship and I heard a strong report, followed by a very violent shock.

Considering that my work was at an end, and there not being any other lifeboats to be lowered, I threw myself into the sea to get away from the suction of the ship and to be able to be rescued; as it occurred, I was rescued by lifeboat No. 10. With this lifeboat we landed after 43 hours' navigation at the Island of Zembra, in the Gulf of Tunis, from where we were transported to Tunis.

ANDREA GIACOMINO.

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[Inclosure 3.]

*Verbal statement made by Andrea Giacomino, First Officer of S. S. "Ancona," to Assistant Naval Attaché Jackson.*

Andrea Giacomino furnished a statement which he said had been sworn to before the Italian Commission investigating the loss of the *Ancona*.

The following additional facts concerning the loss of the *Ancona* were brought out in subsequent conversation with Andrea Giacomino, first officer of the *Ancona*.

The morning was foggy but cleared somewhat just before noon, and the first officer was on the bridge taking the sun's altitude.



The submarine was first sighted at this time 4 or 5 kilometers on the starboard bow. She opened fire, the first shot falling somewhat ahead of the ship. The *Ancona* turned with hard left rudder and tried to escape. The submarine continued to fire and gradually overhauled the *Ancona*, whereupon the latter stopped.

The first officer left the bridge and made a round of the lifeboats. Many people were being killed and wounded by the firing, and a panic ensued. Many people jumped overboard and were drowned who might have been safe if they had remained on board. A number of lifeboats were destroyed by the gun fire. He estimates that 45 to 60 shots were fired by the submarine.

After ceasing fire the submarine circled 'round the ship and took position 150 to 200 meters on the starboard beam. From here she fired a torpedo, which struck the *Ancona* about one-third the way from the bow. He heard the explosion, saw the white streak of the torpedo in the water, and heard a big detonation.

The ship sank a few minutes later. There were about 30 people on board when the '*Ancona*' sank, who must all have been lost.

The first officer jumped into the sea when the torpedo struck and tried to get out of the suction of the sinking ship. He was picked up by a lifeboat (No. 10) in which was the captain. The submarine continued to steam around in the vicinity, but offered no assistance except to one woman. She did not fire on the lifeboats in the water.

The boats scattered and eventually lost sight of the submarine. His boat proceeded under sail, the captain in charge and finally reached land. No ships were sighted.

He described the submarine as a large new one at least 80 meters long, and certainly not less than 70. She carried two guns. The crew were blond men of robust physique.

The *Ancona* hoisted the Italian flag when the submarine opened fire. The submarine thereupon hoisted the Austrian flag. He is convinced that the submarine was German.

The above statement was made in our presence and is correct to the best of our knowledge and belief.

JAY WHITE,  
*American Consul.*

[Seal of American Consulate.]

J. P. JACKSON,  
*Lieutenant Commander, U. S. Navy,*  
*Assistant Naval Attaché, Rome.*

WILLIAM GARGUILO,  
*Secretary of the American Consulate, Naples, Italy.*

[Inclosure 4.]

*Affidavit of Cecile L. Greil, November 25, 1915.*

AMERICAN CONSULATE,  
*Naples, Italy, November 25, 1915.*

Be it known that on this 25th day of Nov. before me, Jay White, consul of the United States of America in and for the city of Naples, duly commissioned and sworn and by law authorized to administer oaths and affirmations, personally appeared, Cecile L. Greil, now residing at Hotel de Londres, Naples, Province of Naples, Kingdom of Italy, whose home address is 67 Fifth Avenue, New York City, United States of America, and being by me duly sworn did depose and say: I was born at New York City, State of New York, 13 of July, date, 1873; that my father's name is Ignatius Frank; that he was born in the State of New York, and that I am a native American citizen.

I embarked on the S. S. *Ancona* at Naples on the 5th day of November, 1915, accompanied by ———; that I ——— (or had) in my possession a certificate of naturalization as follows ———; that I have (or had) in my possession a passport of the United States of America issued ——— and numbered ———.

AMERICAN CONSULAR SERVICE.  
*Naples, Italy.*

*Answer to Question No. 1.* In the dining room; we had just finished luncheon and had just finished my coffee when I heard and saw noise and movement outside of the dining-room deck.

*Answer to Question No. 2.* Rushing of the crew around the deck.

*Answer to Question No. 3.* In the dining room on the first cabin deck.

*Answer to Question No. 3a.* From where you sat in the dining room could you see a portion of the deck and the horizon of the sea? Yes.

*Answer to Question No. 4.*

*Answer to Question No. 5.* After I saw the rush of passengers on the deck I jumped up from the table and looked out of the window to the left and saw approximately a silhouette (the boat was very clear but I could only see the silhouettes of the men). We had a fog and I saw approximately a dozen men at the guns.

*Answer to Question No. 6a.* Have no knowledge.

*Answer to Question No. 7.* I had the absolute sensation of a brake being put on suddenly and I had a definite sensation that something was wrong with the ship.



*Answer to Question No. 8.* I saw a flag, red and white.

*Answer to Question No. 9.* Yes.

*Answer to Question No. 10.* I did not know the nationality of the flag at the time.

*Answer to Question No. 11.* When I first saw the submarine, the flag was displayed.

*Answer to Question No. 12.* I am thoroughly conversant with European customs. My father is the descendant of Austrians; I speak German perfectly; took post-graduate medical courses in Vienna and Berlin; have visited relatives of my mother in Berlin; but I cannot answer the question, as nothing was sufficiently definite.

*Answer to Question No. 13.* To the best of my knowledge and belief, the stopping of the ship was previous to the firing of the first shot.

*Answer to Question No. 14.* Yes.

*Answer to Question No. 15.* They would have all been killed or drowned.

*Answer to Question No. 16.* Don't know.

*Answer to Question No. 17.* Yes.

*Answer to Question No. 18.* Probably been shot.

*Answer to Question No. 19.* I was not conscious of any warning signal. If there was any warning signal, I did not hear it. By my watch, which I compared with Carlo Lamberti, the chief machinist, the ship was torpedoed about 1.30 p. m. or thereabouts.

*Answer to Question No. 20.* She did not.

*Answer to Question No. 21.* The submarine remained in the neighborhood of the lifeboats ten or fifteen minutes after the *Ancona* had gone down, but made no effort to save anyone and passed into the horizon without rendering assistance to the lifeboats.

*Answer to Question No. 22.* I think there was no deliberate effort or intent to sink the lifeboats.

*Answer to Question No. 23.* Red and white striped flag.

*Answer to Question No. 24.* I do not know.

*Answer to Question No. 25.* Yes, undoubtedly. The vessel was fired on while passengers were being taken off.

*Answer to Question No. 26.* The firing continued approximately for about twenty minutes; then at rarer intervals. No time was given, as far as I know, for disembarkation.

*Answer to Question No. 27.* I saw one boat lowered after the torpedoing of the *Ancona*.

*Answer to Question No. 28.* There were none.

*Answer to Question No. 29.* At no time after I saw or heard the first knowledge or rumor of something wrong on the *Ancona* did I see an officer or hear a command given that would help passengers to disembark or take life belts. After this Dr. Giordini and Dr. Carbone, who were in the dining room with me at the time and to whom I

appealed in Italian to ask what was wrong, responded "Qui lo sai" and left the dining room.

*Answer to question as to names of people on board with the witness:*

Carlo Lamberti, whose address is \_\_\_\_\_.

Dr. Giordoni, whose address is \_\_\_\_\_.

Dr. Carbone, whose address is \_\_\_\_\_.

Duca di Serra Cassano, whose address is \_\_\_\_\_.

Signor Cav. Piscione, 6 Vione Sigranano, Naples.

Sworn and subscribed to before me this 25th day of November, 1915, at Naples, Italy.

CECILE L. GREIL.

Sworn and subscribed to before me this twenty-fifth day of November, 1915.

JAY WHITE,  
*American Consul.*

Witnesses:

J. P. JACKSON.

EDW. H. CAPP.

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[Inclosure 5.]

*Deposition of Cecile Greil, November 18, 1915.*

Cecile Greil, after having been duly sworn to tell the whole truth and nothing but the truth, doth depose and say:

*1st Interrogatory.* What is your name and the place and date of your birth?

To the first interrogatory she saith: My name is Cecile Greil; I was born at New York on the 13th of July, 1873.

*2d Interrogatory.* What is your present place of residence?  
New York City.

*3d Interrogatory.* What is your profession?  
I am a doctor of medicine.

*4th Interrogatory.* Where did you take your degree?  
I took my degree at the Medical College of New York City.

*5th Interrogatory.* State whether you are married, and if so, state name, nationality, and place of birth of husband.

My husband's name is Clemens Greil; he is a naturalized American citizen, and was born in Germany, in the Province of Westphalia.

*6th Interrogatory.* What was your father's name, nationality, and place of birth?

My father's name was Ignatius Frank; he was an American citizen, and was born in the State of New York.

*7th Interrogatory.* What was your mother's name and place of birth?

My mother's name is Ernestine Frank, and she was born at Strasburg, in the Empire of Germany.

*8th Interrogatory.* What was the nationality of the parents of your father and mother?

My father's parents were Austrian and my mother's family German. I have met members of my mother's family from Berlin.

*9th Interrogatory.* Have you any special sympathy or dislike of any belligerent power?

No, I have no special liking or aversion to any belligerent power.

*10th Interrogatory.* What was the date and purpose of your last departure from the United States?

I left the United States on the 23d of August, 1915, for the purpose of seeing and nursing a sick friend in Italy.

*11th Interrogatory.* What was the date, wher and place from which you sailed on the *Ancona*?

I sailed on the 5th of November from Naples on the *Ancona* for New York via Messina.

*12th Interrogatory.* Was there any noteworthy events during your trip on the *Ancona* prior to the attack by submarine which may have had any possible bearing on said attack?

Shortly after leaving Messina at about 7 o'clock on the 6th of November while at supper a man in uniform came to door of saloon and called to captain to come out without saluting. The captain poured out a tumbler of wine which he drank and then left table hurriedly without apology. My definite impression was that something was wrong, and I did not see the captain again.

*13th Interrogatory.* State fully all the facts relating to the attack on the *Ancona* that you witnessed.

I had just finished lunch at about 12 o'clock when I saw a number of sailors rushing on the deck, the six gentlemen, two ship doctors, and four first-class passengers who were at the table jumped up and ran on deck; as they ran out the engine stopped or slowed down and I supposed there was something wrong with the engine. I then went to the dining room window on the left-hand side of the vessel and saw the submarine to the left of *Ancona*, near enough to distinguish about a dozen figures on its deck and six cannons but not sufficiently near to distinguish faces. The first shot I heard crashed in the fore part of the vessel, while I was looking out of the window, I heard timbers breaking and shrieking. The dining saloon was in the rear of ship and I went forward on deck to see what had happened. Before I could go to the forward part of the ship shots were fired in rapid succession. When I got forward on upper deck I found a

number of dead and wounded, there might have been 20 or 25. Steerage and second-class passengers had rushed to upper deck to get in boats and had been injured there. I saw no shots strike vessel but heard them strike and I saw débris. I also saw wounded persons fall from bridge, among which was Signore Spinnachi, a first-class passenger, who is still missing. I believe a number of guns were fired on submarine as I saw people fall on different parts of upper deck. Then I went down to purser's cabin to get money which I had deposited the day before. I found purser's cabin wrecked and purser lying unconscious on floor before his desk. When I returned to upper deck I found the staircase by which I had descended had been shot away. I then went through second cabin and went up another staircase. I saw dead and wounded in second cabin. I entered my state-room intending to get my passport. My passport was in a trunk under my bed and while I was stooping to draw out my trunk a shot passed through port hole window shattering glass and I heard missile pass over my head. My chamber maid, panic stricken, was standing before my door and the missile struck the upper part of her head, she fell dead before my door. I then decided to leave ship at once, I put on my life belt, cap, and sweater and went on deck. Boats were being lowered. The first two were full and would not take me. I then crossed to other side of deck to look for boat and saw one in the water close to ship in which I recognized chief machinist and two ship doctors. I called to them to take me and they called jump. I jumped about 50 feet and landed uninjured in boat. I saw missiles strike people in boats besides the *Ancona* and people fall in water from boats. After boats pulled away from vessel they were not fired on and I believe the killing of persons in boats was unintentional. I had on my wrist watch and noted time when boat in which I was pulled away from vessel, it was 12.30 and bombardment of vessel lasted 20 minutes longer. As bombardment commenced at a few minutes after 12 it must have lasted about 45 minutes. About 15 minutes after the cessation of bombardment the submarine which was circling around vessel fired a torpedo which struck the *Ancona*. I saw a cometlike form going through the water, saw it strike vessel causing violent explosion and throwing huge jet of water in air. The *Ancona* listed to one side and sank at 1.32 by my watch. My watch was correct as I compared it with watch of chief engineer and found it correct. Six other boats of the *Ancona* were in sight all the afternoon. The boat which I was in was picked up by the French naval vessel *Pluton* at about 7 o'clock p. m. and the survivors of *Ancona* were disembarked at Bizerta at about 11 p. m., but being a physician I remained on board all night attending to wounded. Everything possible for the comfort and care of the survivors was done by the officers of the *Pluton* and the French authorities. Special courtesy was shown to myself as a woman and an American citizen.

**14th Interrogatory.** Can you testify as to whether any notification was given to *Ancona* before attack was commenced?

No.

**15th Interrogatory.** Can you testify as to whether any attempt to escape was made by *Ancona*?

The vessel commenced to slow down almost simultaneously with the rush of sailors on deck and before I had heard the first shot. The vessel vibrated and the engine must have stopped or greatly reduced its speed, my impression is that the engine was stopped. The first shot I heard struck the fore part of vessel. I can give no other testimony as to whether there was any attempt to escape.

**16th Interrogatory.** Was firing rapid and continuous while bombardment lasted, have you an approximate idea of number of shots fired?

Firing was rapid for approximately twenty minutes; then firing was at longer intervals. I can give no information as to number of shots fired.

**17th Interrogatory.** Were over fifty shots fired?

Yes, I feel confident that over fifty shots were fired at *Ancona*.

**18th Interrogatory.** Was loss of life chiefly due to method of attack, to panic of passengers or to any lack of control or efficiency on part of officers or crew of *Ancona*?

A number of persons were killed or wounded by bombardment, there was considerable loss of life due to panic of passengers, and there was lack of control on the part of officers of ship. Of course, effective control was difficult under the circumstances. I saw one lifeboat capsized because a pulley stuck.

**19th Interrogatory.** Did you meet or have any knowledge of other Americans on board?

No, I know there were no Americans in first or second cabins, and there were none among survivors as far as I know. I inquired if there were any.

**20th Interrogatory.** Were there any citizens or subjects of neutral states whose testimony would in your opinion be of value on the *Ancona*?

There are none that I know of.

**21st Interrogatory.** Did you see a flag on submarine and, if so, describe the flag.

I could see a red and white flag on submarine but can not describe the flag.

**22d Interrogatory.** Is there anything else relating to the destruction of the *Ancona* you wish to state?

No, I believe my statement as to what I saw is complete.

Sworn to and signed before me at Tunis on November 18, 1915.

(Signed)

DEAN M. MASON,  
*American Consul, Algiers.*

[Inclosure 6.]

*Affidavit of Irlando Potalivo.*

AMERICAN CONSULAR SERVICE,  
*Naples, November 30, 1915.*

Be it known that on this thirtieth day of November before me, Jay White, consul of the United States of America in and for the city and District of Naples, Italy, residing in the city of Naples, duly commissioned and sworn and by law authorized to administer oaths and affirmations, personally appeared Irlando Potalivo (or Potativo) now residing at Sailor's Rest, Naples, Province of Naples, Kingdom of Italy, whose home address is Montenero di Bisaccia, Prov. di Campobasso, Italy, and Philadelphia, United States of America, and being by me duly sworn did depose and say:

I was born at Montenero di Bisaccia, date, June 16, 1898, that my father's name is Alessandro Potalivo, that he was born — and that I am a native (or naturalized) Naturalized.

I embarked on the S. S. *Ancona* at Naples, Italy, on the 5th day of November, 1915.

IRLANDO POTATIVO.

Sworn and subscribed to before me the 30th day of November, 1915.

JAY WHITE,  
*American Consul.*

*Question No. 1.* Where were you when you first were conscious that something unusual was occurring on board the S. S. *Ancona*?

I was in the toilet room.

*Question No. 2.* What, at first, attracted your attention to the disturbances?

The firing of guns.

*Question No. 3.* Were you on deck or below?

On deck.

*Question No. 4.* If you were on deck, did you have a clear vision of the submarine?

I saw the submarine very distinctly.

*Question No. 5.* How did the submarine announce her presence to the S. S. *Ancona*?

*Question No. 6.* Was any warning given to the master of the S. S. *Ancona* that he should stop?

*Question No. 7.* If a warning was given by the submarine to the master of the S. S. *Ancona*, how promptly was that warning obeyed by the master of the S. S. *Ancona*?

I do not know if any warning was given.

**Question No. 8.** If you have any well-founded belief as to the nationality of the submarine, state upon what facts that well-founded belief is based.

I feel sure the submarine was of German nationality; it was one of the latest models and very large, about 90 meters.

**Question No. 9.** Did the submarine display a flag?

Yes.

**Question No. 10.** If so, what was the nationality of the flag displayed by the submarine?

I could not distinguish.

**Question No. 11.** Was the flag displayed by the submarine when her presence was first known to the *S. S. Ancona*; if not, at what period of the attack was the flag of the submarine first displayed?

A flag was displayed by the submarine just after the Italian flag was hoisted on the *S. S. Ancona*. This took place some time after the submarine had commenced to fire.

**Question No. 12.** Are you conversant with European languages and customs; if so, was there anything that came within your observation or hearing that caused you to form an opinion that the submarine or the crew of the submarine were of another nationality than that of the flag displayed?

I am not competent to answer.

**Question No. 13.** Did the master of the *S. S. Ancona*, in your judgment, stop the steamer within a reasonable length of time after the submarine had given warning, if warning was given?

I can not state.

**Question No. 14.** Did the submarine fire upon the *S. S. Ancona* after the *Ancona* had hove to?

I do not remember that the submarine fired on the *Ancona* when she had hove to.

**Question No. 15.** Had the passengers remained on board the *S. S. Ancona* after the attack of the submarine, what, in your judgment, would have been their fate?

They would have been sunk together with the *Ancona*.

**Question No. 16.** What was the fate of those who remained on board the *S. S. Ancona*?

They disappeared with the *Ancona*.

**Question No. 17.** Did you, personally, seek safety in a lifeboat?

Yes.

**Question No. 18.** What would have been your fate had you not sought refuge in a lifeboat?

I would have sunk with the ship.

**Question No. 19.** How long a time was allowed after the warning signal for the passengers to take to the lifeboats before the ship was torpedoed?

About one hour and a quarter.



*Question No. 20.* Did the submarine cease firing while the passengers were being embarked in the lifeboats?

No, it did not.

*Question No. 21.* Did the submarine give any assistance or make any effort to rescue the passengers and crew after the ship had been torpedoed?

No.

*Question No. 22.* Did the submarine fire upon the lifeboats after they had left the ship?

No.

*Question No. 23.* What flag was flown by the submarine?

I do not know.

*Question No. 24.* What warning shots were given?

None that I know of.

*Question No. 25.* Whether vessel was fired on while passengers were being taken off?

Yes.

*Question No. 26.* Time allowed for such taking off?

I do not know.

*Question No. 27.* Whether vessel sank before all the passengers were taken off?

I do not know as I was too far to be able to distinguish if other persons were aboard.

*Question No. 28.* Whether other vessels were in the neighborhood?

No other vessels were in the neighborhood.

*Question No. 29.* What was the conduct of the crew during the taking off of the passengers?

They each cared for themselves.

*Last question unnumbered.* Do you know of any of the survivors of the *Ancona* who can corroborate your statements?

In the lifeboat in which I was there were several countrymen of mine, but I do not now remember their names.

IRLANDO POTALIVO.

Sworn and subscribed to before me this twenty-sixth of November, 1915.

JAY WHITE,  
*Consul of the United States of America.*

[Seal of the American Consulate.]

DR. ENRICO BUONACORE.	} Witnesses.
MICHELE AVELLONE.	
WILLIAM GARGUILO.	



## [Inclosure 7.]

*Statement of Dr. Tomasso Giordano, Senior Doctor of the "Ancona."*

The following facts concerning the loss of the *Ancona* were brought out in a conversation with Doctor Tomasso Giordano, senior doctor of the *Ancona*.

At ten forty a. m. on the day of the disaster, the *Ancona* received a radio message from the *France* that she had been torpedoed by a submarine flying the German flag, south of Cagliari. The *Ancona* was then on a course which would carry her a little to the southward of the *France's* position.

At eleven forty a. m. while the doctor was at lunch, he heard a report of a gun, followed quickly by another. He went out on deck and saw a large submarine two hundred or three hundred meters away. He believes the *Ancona's* engines were stopped at this time, but the ship was forging ahead. The submarine continued to fire for about three quarters of an hour.

He estimates she fired about 80 shots all directly at the *Ancona*. The wireless was brought down. He saw three persons killed on board and many wounded while taking to the lifeboats. There was a panic among the passengers and some of them jumped overboard. The submarine then ceased fire for about a half an hour and the lifeboats got away.

The submarine fired her torpedo about one thirty p. m. and the *Ancona* sank about one fifty p. m. The Captain jumped overboard as the ship went down bow first. Twenty or so persons went down with the ship. He states that the submarine hoisted the Austrian flag only a few minutes before firing the torpedo. This was a perfectly new flag.

The submarine did not fire at the lifeboats in the water. She remained in the vicinity until the boats got out of sight, over an hour. She did not molest them or give any assistance except to one woman whom they took to be a chambermaid. A line was thrown to her, and they spoke to her in Italian, inviting her on board the submarine. She refused to take the line and was afterwards picked up by a lifeboat.

Mrs. Greil was in this doctor's boat. They were picked up about eight p. m. by the French cruiser *Pluto*, and taken to Biserta. He (Dr. Giordano) described the submarine as being very large.

The above statement was made in our presence and is correct to the best of our knowledge and belief.

J. P. JACKSON,  
*Lieutenant Commander, U. S. Navy,*  
*Assistant Naval Attaché, Rome.*  
DR. ENRICO BUONACORE,  
*A. A. S., U. S. P. H. S.*

## [Inclosure 8.]

*Statement of Mr. Alberto Piscione, passenger on board S. S.  
"Ancona."*

The following facts concerning the loss of the *Ancona* were brought out in a conversation with Mr. Alberto Piscione, first cabin passenger on board the *Ancona*.

Mr. Piscione was at lunch when about 12 m. on the day of the disaster he heard a cannon shot, followed by others. He went out on deck with his friend, the Duke of Cassena. There was a great panic on board. He saw a submarine 400 or 500 meters on the starboard beam firing at the *Ancona*. He and his friend started to get into a lifeboat. It was so crowded that he got out and started to get into a second boat.

The wireless apparatus was brought down by firing and fell across his shoulder. While getting into the second boat he and the Duke of Cassena were both wounded. This boat was also so crowded that they got back on deck. They finally got into a third boat, in which they got away from the ship.

Mr. Piscione did not observe the actions of the captain at all. The submarine fired from 40 to 50 shots until within 50 meters, at which range the last two shots were fired. The officers' mess room was completely destroyed.

He observed a group of men, women, and children still on the ship after he left; and these, he thinks, all went down with the ship after the torpedo was fired.

He did not observe exactly when the submarine hoisted the Austrian flag, but supposed it was after the *Ancona* had hoisted the Italian flag. After the boats were lowered his boat and another kept together; the others scattered. The sails in his boat were lost, and the other boat, in which was Mrs. Greil, took his in tow. He later got into Mrs. Greil's boat, due to overcrowding of his own.

The submarine did not fire on the lifeboats in the water, but followed some of them for about two hours. It did not attempt to rescue anyone except a chambermaid, who refused and was afterwards picked up by a lifeboat. Some of the crew of the submarine yelled to men in the water, "get away, cowardly Italians."

The *Ancona* first tried to escape, but stopped when the submarine overtook her. He, the passengers, and the French officers of the *Pluto* were convinced that the submarine was German and would have hoisted the German flag if the *Ancona* had hoisted other belligerent flag than the Italian.

The boats proceeded until about seven o'clock that night, when they were picked up by the French cruiser *Pluto*, which took them into Biserta, where they arrived about midnight.

He described the submarine as a new boat 80 to 90 meters long with two guns. He stated that probably the greatest loss of life was due to drowning, but many were killed and wounded on board the *Ancona* by gun fire.

The above statement was made in our presence and is correct to the best of our knowledge and belief.

J. P. JACKSON,  
*Lieutenant Commander, U. S. Navy,*  
*Assistant Naval Attaché, Rome.*

WILLIAM GARGUILO,  
*Secretary of the American Consulate, Naples, Italy.*

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[Inclosure 9.]

*Sworn declaration of Isaac Strachlevitz, passenger on board*  
*S. S. "Ancona."*

AMERICAN CONSULATE SERVICE,  
*Naples, December 1, 1915.*

Be it known that on the first day of December, 1915, before me, Jay White, consul of the United States of America in and for the city and consular district of Naples, Italy, residing in the city of Naples, duly commissioned and sworn and by law authorized to administer oaths and affirmations, personally appeared Isaac Strachlevitz, now residing at the Sailors' Rest, Naples, Province of Naples, Kingdom of Italy, whose home address is Western Australia, and being by me duly sworn did depose and say:

I was born in Kischnokk (Bessarelia) May 18, 1889, that my father's name is Meir Strachlevitz;

I embarked on the *S. S. Ancona* at Naples on the 5th day of November, 1915.

ISAAC STRACHLEVITZ.

Sworn and subscribed this first day of December, 1915.

JAY WHITE,  
*American Consul.*

*1st Interrogatory.* Where were you when you were first conscious that something unusual was occurring on the *S. S. Ancona*?

To the first interrogatory he saith: I was sitting on the third-class deck playing "dominoes" with three friends.

*2d Interrogatory.* What at first attracted your attention to the disturbance?

The explosion to side of the ship; it seemed to be about forty feet away from the ship.

*3d Interrogatory.* Were you on deck or below?

On deck.

*4th Interrogatory.* If you were on deck did you have a clear vision of the submarine?

No.

*5th Interrogatory.* How did the submarine announce her presence to the S. S. *Ancona*?

By a shot. This shot sent a jet of water into the air as it struck the sea.

*6th Interrogatory.* Was any warning given by the submarine to the master of the S. S. *Ancona* that he should stop?

I do not know.

*7th Interrogatory.* If a warning was given to the master of the S. S. *Ancona* by the submarine, how promptly was that warning obeyed by the master of the S. S. *Ancona*?

I do not know if a warning was given.

*8th Interrogatory.* If you have any well founded belief as to the nationality of the submarine, state upon what facts that well founded belief is based.

I was not able to form an opinion.

*9th Interrogatory.* Did the submarine display a flag?

Yes.

*10th Interrogatory.* If so, what was the nationality of the flag displayed?

I do not know.

*11th Interrogatory.* Was the flag displayed by the submarine when her presence was first known to the S. S. *Ancona*; if not, at what period of the attack was the flag of the submarine displayed?

The submarine had no flag displayed when she began her attack of the S. S. *Ancona*, but raised her flag some time afterwards. This was done after the firing had begun.

*12th Interrogatory.* Are you conversant with European languages and customs; if so, was there anything that came within your knowledge, observation, or hearing that caused you to form an opinion that the submarine or the crew of the submarine were of another nationality than that of the flag displayed?

I speak English, French, Hebrew, and Yiddish. I have no personal knowledge as to the nationality of the submarine or of its crew.

*13th Interrogatory.* Did the master of the S. S. *Ancona* in your judgment, stop the steamer within a reasonable length of time after the submarine had given warning, if warning was given?

I can not state.

**14th Interrogatory.** Did the submarine fire on the S. S. *Ancona* after the *Ancona* had hove to?

Yes; she did.

**15th Interrogatory.** Had the passengers remained on board the S. S. *Ancona* after the attack of the submarine what, in your judgment, would have been their fate?

They would have been all lost.

**16th Interrogatory.** What was the fate of those who remained on board the *Ancona*?

I do not know.

**17th Interrogatory.** Did you, personally, seek safety in a lifeboat? Yes.

**18th Interrogatory.** What would have been your fate if you had not sought refuge in a lifeboat?

I would have been drowned.

**19th Interrogatory.** How long a time after the warning signal for the passengers to take to the lifeboats before the ship was torpedoed?

I think about half an hour.

**20th Interrogatory.** Did the submarine cease firing while the passengers were being embarked in the lifeboats?

No.

**21st Interrogatory.** Did the submarine give any assistance or make any effort to rescue the passengers and crew after the ship had been torpedoed?

No.

**22d Interrogatory.** Did the submarine fire on the lifeboats after they had left the ship?

I do not think so.

**23d Interrogatory.** What flag was flown by the submarine?

I do not know.

**24th Interrogatory.** What warning shots were given?

The first shot I know of was that mentioned in my answer to the second interrogatory.

**25th Interrogatory.** Whether the vessel was being fired on while the passengers were leaving?

Yes.

**26th Interrogatory.** Time allowed for such taking off?

The only time between the shots was of a few seconds seemingly.

**27th Interrogatory.** Whether vessel sank before all the passengers were taken off?

I do not know.

**28th Interrogatory.** Were there any other vessels in the neighborhood?

I do not know.

**29th Interrogatory.** What was the conduct of the crew during the taking off of the passengers?

Every man was looking after himself.

*Last question unnumbered.* Do you know any of the survivors of the S. S. *Ancona* who could corroborate your statement?

To the last question, unnumbered, he saith: No.

ISAAC STRACHLEVITZ.

Sworn and subscribed to before me this first day of December, 1915.

JAY WHITE,

*Consul of the United States of America.*

[Seal of American Consulate.]

WILLIAM GARGUILO, } Witnesses.  
EDW. H. CAPP. }

[Inclosure 10.]

*Sworn Declaration of Domenico Tambone, passenger on board  
S. S. "Ancona."*

AMERICAN CONSULAR SERVICE,  
*Naples, November 26, 1915.*

Be it known that on this twenty-sixth day of November, 1915, before me, Herbert Carlson Biar, Vice Consul of the United States of America in and for the city and consular district of Naples, Italy, duly commissioned and sworn and by law authorized to administer oaths and affirmations, personally appeared Domenico Tamboni, now residing at the Asilo Degli Emigranti (Emigrant Shed) in Naples, Province of Naples, Kingdom of Italy, whose home address is 302 Thirtieth Street, Hoboken, New Jersey, United States of America, and being by me duly sworn, did depose and say, I was born at Molfetta, Province of Bari, Italy, about thirty-three years ago, but I do not know the date of my birth. I am an Italian subject.

I embarked on the S. S. *Ancona* at Naples on the fifth day of November, 1915.

TAMBONE DOMENICO.

Sworn and subscribed to before me this twenty-sixth day of November, 1915.

HERBERT CARLSON BIAR,  
*Vice Consul of the United States of America.*

*Question No. 1.* Where were you when you first were conscious that something unusual was occurring on board the S. S. *Ancona*?  
In the third-class dining room.

**Question No. 2.** What, at first, attracted your attention to the disturbance?

The firing of the cannons.

**Question No. 3.** Were you on deck or below?

Below deck.

**Question No. 4.** If you were on deck, did you have a clear vision of the submarine?

**Question No. 5.** How did the submarine announce her presence to the *S. S. Ancona*?

From the port-hole of the dining room I saw the submarine at about two hundred and fifty meters off the starboard bow. Presence made known by the firing of cannon.

**Question No. 6.** Was any warning given by the submarine to the master of the *S. S. Ancona* that he should stop?

I do not know, because I was below deck at the time, but the first shot appeared to be fired with blank cartridge, judging by the sound of the report.

**Question No. 7.** If a warning was given by the submarine to the master of the *S. S. Ancona* how promptly was that warning obeyed by the master of the *S. S. Ancona*?

The ship continued on her way after first few shots, but after about ten shots she put up the Italian flag and stopped. The submarine then hoisted the Austrian flag. I know this to be so, because in the meantime I had come up on deck and entered one of the life-boats and saw it with my own eyes.

**Question No. 8.** If you have any well founded belief as to the nationality of the submarine, state upon what facts that well founded belief is based.

The fact that the submarine did not at once hoist its flag, but waited till the *Ancona* had hoisted the Italian flag indicates to my mind that she was not an Austrian submarine, but rather a German. This belief is held by the majority of the surviving passengers and crew of the *Ancona*.

**Question No. 9.** Did the submarine display a flag?

When firing commenced it did not display any flag whatever, but hoisted the Austrian flag as previously stated after the *Ancona* had hoisted the Italian flag.

**Question No. 10.** If so what was the nationality of the flag displayed by the submarine?

Austrian.

**Question No. 11.** Was the flag displayed by the submarine when her presence was first known to the *S. S. Ancona*; if not at what period of the attack was the flag of the submarine first displayed?

No. Flag first displayed after about ten shots had been fired and the *Ancona* had hoisted the Italian flag.

**Question No. 12.** Are you conversant with European languages and customs, and if so was there anything that came within your observation or hearing that caused you to form an opinion that the submarine or the crew of the submarine were of another nationality than that of the flag displayed?

Only with Italian and English. The submarine was too far away to be able to distinguish the crew on board.

**Question No. 13.** Did the master of the *S. S. Ancona*, in your judgment, stop his steamer within a reasonable length of time after the submarine had given warning, if warning was given?

Yes. With the velocity of the *Ancona* going at full speed it was in my judgment impossible to stop sooner.

**Question No. 14.** Did the submarine fire upon the *S. S. Ancona* after the *Ancona* had hove to?

Yes, submarine continued to fire after the *Ancona* had hove to.

**Question No. 15.** Had the passengers remained on board the *S. S. Ancona* after the attack of the submarine, what, in your judgment, would have been their fate?

They would have drowned.

**Question No. 16.** What was the fate of those who remained on board the *S. S. Ancona*?

They were drowned.

**Question No. 17.** Did you, personally, seek safety in a lifeboat?

Yes.

**Question No. 18.** What would have been your fate had you not sought refuge in a lifeboat?

I would have had to swim or take the chance of drowning.

**Question No. 19.** How long a time was allowed after the warning signal for the passengers to take to the lifeboats before the ship was torpedoed?

About half an hour.

**Question No. 20.** Did the submarine cease firing while the passengers were being embarked in the lifeboats?

No.

**Question No. 21.** Did the submarine give any assistance or make any effort to rescue the passengers and crew after the ship had been torpedoed?

No.

**Question No. 22.** Did the submarine fire upon the lifeboats after they had left the ship?

No.

**Question No. 23.** What flag was flown by the submarine?

Austrian flag.

**Question No. 24.** What warning shots were given?

The first shot apparently fired with blank cartridge, judging by the sound of the reports.



**Question No. 25.** Whether vessel was fired on while passengers were being taken off?

Yes.

**Question No. 26.** Time allowed for such taking off?

About one hour.

**Question No. 27.** Whether vessel sank before all the passengers were taken off?

Yes.

**Question No. 28.** Whether other vessels were in the neighborhood?

No.

**Question No. 29.** What was the conduct of the crew during the taking off of the passengers?

I do not know, as I was so much occupied in saving myself, that I did not notice what was going on around me.

**Last question unnumbered.** Do you know of any of the survivors of the *Ancona* who can corroborate your statements?

Yes. Donato Farina, from Molfetta, Province of Bari, Italy.

TAMBONE DOMENICO.

Sworn and subscribed to before me this twenty-sixth day of November, 1915.

HERBERT CARLSON BIAR,  
*Vice-Consul of the United States of America.*

[Seal of American Consulate.]

DR. ENRICO BUONACORE, } Witnesses.  
NICOLA GUARINI, }

[Inclosure 11.]

*Sworn declaration of Ilazione Azzolini, passenger on board  
S. S. "Ancona."*

AMERICAN CONSULAR SERVICE,  
*Naples, November 26, 1915.*

Be it known that on the twenty-sixth day of November, 1915, before me Jay White, consul of the United States of America in and for the city and consular district of Naples, Italy, residing in the city of Naples, duly commissioned and sworn and by law authorized to administer oaths and affirmations, personally appeared, Ilazione Azzolini now residing at the Emigrant Shed at Naples, Province of Naples, Kingdom of Italy, whose home is 55-57 West 26th Street, New York City, United States of America, and being by me duly sworn did depose and say:

I was born at Malfetta, Italy, on the sixth day of November, 1884; my father's name was Corado Azzolini and that I have taken out my first citizen's paper in the United States District Court, Southern District of New York, on the 15th of December, 1914.

I embarked on the S. S. *Ancona* at Naples on the 5th day of November, 1915; that I have in my possession my first citizen paper as stated above.

*1st Interrogatory.* Where were you when you were first conscious that something unusual was occurring on board the S. S. *Ancona*?

To the first interrogatory he saith: Down below.

*2d Interrogatory.* What, at first, attracted your attention to the disturbance?

Crew running about.

*3d Interrogatory.* Were you on deck or below?

Below.

*4th Interrogatory.* If you were on deck, did you have a clear vision of the submarine?

When I came on deck, I saw the submarine which was firing on us.

*5th Interrogatory.* How did the submarine announce her presence to the S. S. *Ancona*?

I do not know.

*6th Interrogatory.* Was any warning given by the submarine to the master of the S. S. *Ancona* that he should stop?

I do not know.

*7th Interrogatory.* If a warning was given by the submarine to the master of the S. S. *Ancona*, how promptly was that warning obeyed by the master of the S. S. *Ancona*?

I do not know.

*8th Interrogatory.* If you have any well-founded belief as to the nationality of the submarine, state upon what facts that well-founded belief is based.

I have no idea as to the nationality of the submarine.

*9th Interrogatory.* Did the submarine display a flag?

I did not see a flag on the submarine.

*10th Interrogatory.* What was the nationality of the flag displayed by the submarine?

I do not know.

*11th Interrogatory.* Was the flag displayed by the submarine when her presence was first known to the S. S. *Ancona*; if not, at what period of the attack was the flag of the submarine first displayed?

I do not know.

*12th Interrogatory.* Are you conversant with European languages and customs; and, if so, was there anything that came within your observation or hearing that caused you to form an opinion that the

submarine, or the crew of the submarine, were of another nationality than that of the flag displayed?

I speak Italian, English, and some French; the crew of the submarine all appeared to me to be blonde.

*13th Interrogatory.* Did the master of the S. S. *Ancona*, in your judgment, stop his steamer within a reasonable length of time after the submarine had given warning, if warning was given?

The ship was stopped at once after several shots had been fired.

*14th Interrogatory.* Did the submarine fire upon the S. S. *Ancona* after the *Ancona* had hove to?

Yes; the submarine did fire on the *Ancona* after the *Ancona* had hove to.

*15th Interrogatory.* Had the passengers remained on board the S. S. *Ancona* after the attack of the submarine, what, in your judgment, would have been their fate?

We would have perished.

*16th Interrogatory.* What was the fate of those who remained on board the S. S. *Ancona*?

I do not know.

*17th Interrogatory.* Did you personally seek safety in a lifeboat?

Yes; I did, with twenty-seven others; there were none of the crew in this boat.

*18th Interrogatory.* What would have been your fate had you not sought refuge in a lifeboat?

I would have lost my life.

*19th Interrogatory.* How long a time was allowed after the warning signal for the passengers to take to the lifeboats before the ship was torpedoed?

About twenty-five minutes, in my judgment.

*20th Interrogatory.* Did the submarine cease firing while the passengers were being embarked in the lifeboats?

My impression is that there was an interval of cease fire of six or seven minutes.

*21st Interrogatory.* Did the submarine give any assistance or make any effort to rescue the passengers and crew after the ship had been torpedoed?

They did not help anybody.

*22d Interrogatory.* Did the submarine fire upon the lifeboats after they had left the ship?

No; she did not fire on the boats after they left the *Ancona*.

*23d Interrogatory.* What flag was flown by the submarine?

I did not see a flag on the submarine.

*24th Interrogatory.* What warning shots were given?

I do not know.

*25th Interrogatory.* Was the vessel fired on while the passengers were being taken off?

Yes; the vessel was fired on while the passengers were being taken off.

*26th Interrogatory.* What time, in your judgment, was allowed for such taking off?

I do not know.

*27th Interrogatory.* Were any other vessels in the neighborhood at the time of the attack on the S. S. *Ancona*?

I do not know.

*28th Interrogatory.* Did the vessel sink before all the passengers were taken off?

Yes; the vessel sank before all the passengers were taken off.

*Question No. 28a.* Were there other vessels in the neighborhood?

There were no ships in the neighborhood as far as I know.

*Question No. 29.* What was the conduct of the crew during the taking off of the passengers?

Part of the crew helped the passengers to embark, and a part of the crew had left the vessel before I did.

*Answer to last question unnumbered.* Give names and addresses of persons known to you who were present at the time.

There was no one with me at the time whom I know or whose address I know.

ILAZIONE AZZOLINI.

Sworn and subscribed to before me this twenty-sixth day of November, 1915.

JAY WHITE,  
American Consul.

[Seal of the American Consulate.]

R. F. ST. LEGER. }  
EDW. H. CAPP. } *Witnesses to the signature of Ilazione Azzolini.*

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#### CASE OF THE "PETROLITE."<sup>1</sup>

*Consul Mason to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,

*Algiers, (Received) December 10, 1915.*

American steamer *Petrolite* arrived Algiers seven a. m., December 10th. Captain reports vessel attacked nineteen hours from Alexandria

<sup>1</sup> For additional correspondence concerning the *Petrolite*, see Special Supplement, 1916, p. 306.

by submarine flying Austrian flag. One seaman wounded by shell. After examination papers and forcibly taking provisions vessel allowed to proceed.

MASON.

*The Secretary of State to Minister Egan.*

[Telegram—Paraphrase.]

No. 71.]

DEPARTMENT OF STATE,  
Washington, January 24, 1916.

Mr. Egan is directed to obtain statements from the officers of the American vessel *Petrolite*, which is due to arrive at Copenhagen about the twenty-fifth of January, covering the details of the stopping of the *Petrolite* in the Mediterranean by a submarine, and to ascertain if the captain of the *Petrolite* made a vigorous protest against food being taken from the vessel, if the food was paid for, if the *Petrolite* as it swung broadside to the submarine stopped her headway, if the submarine continued shelling after the *Petrolite* stopped, and if the shell which wounded a sailor of the *Petrolite* was fired after the vessel stopped or was among the first fired.

*Minister Egan to the Secretary of State.*

No. 904.]

AMERICAN LEGATION,  
Copenhagen, February 2, 1916.

SIR: With reference to the Department's telegraphic instructions No. 71 of January 24, 1916, and to the Legation's No. 213<sup>1</sup> of January 26, 1916, in reply thereto, I have the honor herewith to transmit to the Department a copy of the statement made by Captain Thompson, master of the *Petrolite*, together with an attest made by the chief engineer, W. H. Oorschot, as to the amount of damage done to the ship, and a questionnaire prepared by the Legation and signed by the captain. The two last-named documents have been sworn and subscribed to by the consul general at Copenhagen.

I have, etc.,

MAURICE FRANCIS EGAN.

<sup>1</sup> Not printed.

[Inclosure.]

COPENHAGEN, *January 25, 1916.*

To-day, Captain Thompson, of the American steamer *Petrolite*, of New York, bound from Alexandria, made the following statement to the American Minister at Copenhagen:

While off the coast of Tripoli on Sunday morning, December 5, at about 6.30 o'clock, he was attacked by a submarine. The submarine must have been under water and the *Petrolite* must have passed over her, after which the submarine fired the first shot. This first shot the captain thought to be an explosion in the boiler room, and the mate went immediately to see what the trouble was. While he was on the way to the engine room, the second shot was fired. Then, and only then, was the submarine sighted, and the ship stopped. Captain Thompson ordered the *Petrolite* swung around so that the name of the ship—painted in six-foot letters on the side—might be visible. He had a large American flag flying between the two masts of the vessel and another at the stern. The submarine came closer and kept on firing all the time; he did not know what to do. The submarine showed no indication of its nationality. The captain then ordered the boats ready and the crew into the boats. During this time he went to the cabin to get the ship's papers and the money box. While he was in the cabin and the boats were being made ready the last shot was fired. This last shot went through the crew lowering one of the boats and wounded one of the men—a flesh wound on the inside of the calf of the right leg. This shot, in exploding, tore away the piping in the fiddle (casing around the funnel) and caused damage, as estimated by the captain, to the extent of \$2,000. The captain then told the mate that he might want to go aboard the submarine. While he was on his way to the submarine it hoisted the Austrian flag. When the captain handed over his papers, the submarine commander asked why he had not stopped when the first shot was fired. He told the commander that he stopped at the second shot, explaining that they thought the first report was caused by an explosion in their own ship. He told him that the *Petrolite* was swung around to show the name. Then the commander said that the *Petrolite* had tried to ram him. Captain Thompson denied this, saying that by this time his ship had very little headway on. The commander of the submarine then said the *Petrolite* looked like a cruiser, and that he ought to have a flag painted on the side of the ship, like all other neutral vessels. Captain Thompson called attention to the large flag flying between the masts and the one at the stern. Some days ago, said the commander, his ship found an English vessel flying the American flag, and when it sighted the submarine it hoisted the English flag and commenced firing on the submarine, which was compelled to go below. The submarine commander again advised the captain to have an American flag painted on the side of his ship.

The commander then asked if there were any provisions (fresh) on board the *Petrolite*, to which Captain Thompson replied in the affirmative, but added that he had only enough for his own use. The commander said he would like very much to have some and would be willing to pay for them. Captain Thompson said that the only way to get them was for the commander to force him to give them up, as he would not sell them. The commander then said that he required about 50 pounds of meat, 50 eggs, and if the captain had a ham not in use, by all means, a ham. He then ordered the captain aboard but kept the wounded man as a hostage until the provisions made their appearance. He informed the captain that his was a large submarine with a crew of thirty-five men, that could easily make the trip to America. The captain, after a look fore and aft, agreed with the commander, but expressed his doubts as to whether the submarine after a visit to America would ever come back again.

After his return to the *Petrolite* the captain ordered the provisions out and sent over to the submarine. The officer who took them over reported on his return with the hostage that, as Captain Thompson would not accept any money for the provisions, the commander had the honor to offer him a bottle of champagne. The submarine then disappeared with the provisions and the *Petrolite* resumed her voyage.

[Attest.]

I, W. H. Oorschot, chief engineer of the S. S. *Petrolite* (owners, Standard Oil Co. of N. J.), hereby attest that, in my opinion, the amount of damage done to the fiddle (the casing containing the steam piping around the funnel) by the explosion of a shell fired from an Austrian submarine at the above-mentioned vessel would be covered by the sum of \$10,000.

W. H. OORSCHOT,  
Chief Eng.

COPENHAGEN, JANUARY 26TH, 1915,  
Kingdom of Denmark, City of Copenhagen, ss:  
Sworn and subscribed to before me this 26 Jan., 1916.

E. D. WINSLOW,  
American Consul General, Copenhagen, Denmark.

[Seal of the American Consulate General.]

STATEMENT REGARDING STOPPAGE OF S. S. "PETROLITE" BY A SUBMARINE  
WAR VESSEL IN THE MEDITERRANEAN.

Question. Where was the vessel stopped?

Answer. Off coast of Tripoli, Sunday, December 5, 6.30 a. m.

*Question.* Was protest made by captain against the food being taken?

*Answer.* Yes, captain protested vigorously; said the only way for the submarine commander to get the provisions was to force him to give them up.

*Question.* Was any payment made?

*Answer.* No payment made. Austrian commander offered payment, but captain would not accept.

*Question.* Was headway stopped and ship swung broadwise to submarine?

*Answer.* Yes, ship was immediately stopped and swung broadside to submarine.

*Question.* Did shelling continue after ship stopped?

*Answer.* Yes, at least twelve shots were fired after ship had been stopped.

*Question.* Was shell that wounded sailor among those first fired, or after ship was stopped?

*Answer.* Sailor was wounded by last shell fired after ship had stopped.

KINGDOM OF DENMARK,

*City of Copenhagen, ss:*

Sworn and subscribed to before me this 26th Jan., 1916.

E. D. WINSLOW,  
*American Consul General,  
Copenhagen, Denmark.*

[Seal of the American Consulate-General.]

H. B. THOMPSON,  
*Master, S. S. "Petrolite."*

Name of wounded seaman: Frederik Larsen (born in Denmark).

Name of first mate: Thomas McKellum (born in U. S. A.).

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*The Secretary of State to Ambassador Penfield.*

[Telegram—Paraphrase.]

No. 1116.]

DEPARTMENT OF STATE,  
*Washington, February 9, 1916.*

Mr. Penfield is informed that the captain of the steamer *Petrolite* states that on December 5, 1915, in longitude 26° 8' East, latitude 32° 23' North, six thirty a. m., during fair weather, ship was fired on by submarine coming up from stern. Headway of ship stopped immediately after second shot was fired six thirty-two a. m., and ship was swung broadside to submarine until stopped. After ship was so placed number of shots were fired, one went through ship, burst and



wounded a seaman in the leg. Shell did considerable damage to boiler and steam pipes. Captain of *Petrolite* went on board the submarine with ship's papers. Submarine flying Austrian flag on conning tower. Commander of submarine did not give his name or number of boat. Commander of submarine asked captain of *Petrolite* to sell him food. Captain refused to sell. Submarine commander demanded fifty or sixty pounds of fresh beef, fifty or sixty eggs, and a ham. Told captain of *Petrolite* to return to ship and send over provisions and that one of his men would be kept until provisions were delivered. Provisions delivered, no payment accepted. Submarine submerged and *Petrolite* proceeded on voyage. At the time *Petrolite* was fired on she was flying American flag six feet by ten from the signal halyards about thirty feet above bridge, and smaller size American flag from flagstaff at stern about twelve feet above deck. *Petrolite* has a free board of about twenty-six feet. Mr. Penfield is directed to present the above statements to the Austro-Hungarian Foreign Office and request an immediate explanation. If the facts are as reported he may state that the United States Government regards the submarine commander's conduct as an insult to the flag of the United States and an invasion of American citizen's rights for which the United States Government may properly expect an immediate apology from the Austro-Hungarian Government, the submarine commander's prompt punishment, and an assurance that Austria-Hungary will make compensation for the injuries sustained by members of the crew of the *Petrolite*, and for damages to the vessel.

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*Ambassador Penfield to the Secretary of State.*

No. 1354.]

AMERICAN EMBASSY,  
February 25, 1916.

SIR: Adverting to the Department's telegram No. 1116 of the 9th instant, and in confirmation of my telegram No. 1164 of the 23d instant, I have the honor to transmit herewith inclosed a copy with translation of the reply of Baron Burian, the Austro-Hungarian Minister for Foreign Affairs, to my Note of the 12th relative to the shelling of the American steamer *Petrolite* on the 5th of December last, and the requisitioning of food by a submarine flying the Austro-Hungarian flag in the Mediterranean.

As detailed therein, direct issue is taken with the statements of the commander of the *Petrolite* in several instances, and the opinion held that the Commander of the submarine was in no way guilty either of a breach of international law or of disrespect to the American flag.

I have, etc.,

FREDERIC C. PENFIELD.

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[Translation—Inclosure.]

No. 807.]

IMPERIAL AND ROYAL MINISTRY  
OF FOREIGN AFFAIRS,  
*Vienna, February 22, 1916.*

The undersigned did not fail to refer the very esteemed Note No. 5001<sup>1</sup> of the 12th instant immediately upon receipt thereof to the Imperial and Royal naval authorities for the necessary further consideration, and now has the honor to make known to His Excellency the Ambassador Extraordinary and Plenipotentiary of the United States of America, F. C. Penfield, the result of the searching inquiry in regard to the statements of the captain of the steamer *Petrolite*, as follows

On the morning of December 5, 1915, the steamer was ordered to stop first by a shot across the bow. The steamer neither carried a flag nor bore any neutral distinguishing mark. The U-boat displayed the signal "Send a boat." After the shot the steamer raised the American flag and apparently stopped her engines, but then swung around in a course toward the U-boat.

A further warning shot was fired, to bring the steamer to a standstill. She turned nevertheless still further and approached the submarine.

Thereupon the latter had to open fire, as it was possible that a false flag was being flown and, therefore, the danger of an attack and of being rammed existed. It was ascertained that the shot had struck. The steamer now turned away, stopped, and began to put out a boat. As soon as this was observed firing was ceased.

The captain came on board with his papers. The commandant pointed out to him his wrong maneuver, which had created the appearance of an attack, and further also to the lack of any neutral distinguishing mark.

By the shot which struck the steamer, a sailor was wounded, but so lightly that the captain allowed him to row in his boat.

The extent of damage on board, according to the statement of the captain, was insignificant.

<sup>1</sup> Not printed. See telegram No. 1116, February 9, 1916, p. 189, supra.

examination of the ship's papers the officers engaged pleasantly for a while with the captain. The commandant inquired whether he might receive fresh provisions from the steamer; the captain replied that on demand he must give them. It was indicated to him that no *compulsion* whatever was exercised, but that rather he was only *requested* to deliver provisions against payment, and that it would be a "generosity" on his part to comply with this request. The captain was then immediately ready to do so and proceeded to board the steamer to issue the necessary instruction. He spiritedly declined the payment offered, remarking that it was the duty of every seaman to assist the other. The statements of the captain in regard to the quantity of provisions ordered will not be contested as, under the foregoing conditions, no doubt thereof was kept.

At the request of the commandant, one sailor remained on board the U-boat while the steamer fetched provisions. By the commandant's exercise any compulsion so that the delivery of the provisions was given quite voluntarily, could be assured; he desired to ask the sailor, who spoke German, a few more questions, and that the captain himself should not be detained any longer.

In order to show his appreciation of the provisions, the commandant of the U-boat by way of thanks sent the captain a bottle of champagne and a box of cigars. The crew of the steamer were given cigarettes. The American commandant took his leave finally on the most friendly terms.

It may be recognized from the foregoing exposition of the facts that the statements contained in the very esteemed Note do not prove correct in several important points, and that the conduct of the commandant of the U-boat from the standpoint of international law must be characterized as free from all criticism. The undersigned desires particularly to draw the attention of His Excellency the Ambassador to the following points:

Under the circumstances set forth the U-boat could not avoid firing on the steamer. The shooting was due solely to the fact that at the warning shot from the U-boat the captain did not stop, and moreover by false maneuvering provoked the suspicion of hostile intentions.

As far as the demand for provisions is concerned, a requisition contrary to international law does not come into question, because, as is apparent from the statement of the case, the delivery of provisions was simply requested, at which time it was expressly stated that it was beyond the intention of the commandant to exercise any compulsion. Moreover, it appears certain that the captain delivered the provisions most readily.

It can also not be said that the sailor was detained on board the U-boat either against his own or the captain's will, all the less so

since the willingness of the captain to supply the U-boat with provisions gave no occasion for such action.

In view of the usages and principles prevailing at sea, the commandant of the U-boat appears to be entirely justified in having refused to answer the inquiry of the captain relative to the number of the boat and the name of the commander.

Finally, as far as the details supplied in the last passage of the report of the Imperial and Royal naval authorities are concerned, it is plainly shown that the captain felt himself in no way wronged or otherwise inconvenienced by the action of the U-boat.

The undersigned now has the honor most respectfully to refer the foregoing to His Excellency the Ambassador of the United States of America for communication to the Federal Government, and avails himself of this opportunity to renew to the Ambassador the expression of his highest consideration.

BURIAN.

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*Ambassador Penfield to the Secretary of State.*

No. 1788.]

AMERICAN EMBASSY,  
Vienna, July 20, 1916.

SIR: Adverting to the Department's telegraphic instruction No. 1263 of the 21st ultimo, and to my telegram No. 1342<sup>1</sup> of the 18th instant conveying further statements of the Austro-Hungarian Government in regard to the attack of one of its submarines on the S. S. *Petrolite*, I have the honor to transmit herewith a copy and translation of the note from the Imperial and Royal Minister for Foreign Affairs, dated July 17, 1916, on which my telegram No. 1342 of the 18th instant was based.

I have, etc.,

FREDERIC C. PENFIELD.

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[Inclosure—Translation.]

No. 3458.]

IMPERIAL AND ROYAL MINISTRY,  
OF FOREIGN AFFAIRS,  
Vienna, July 17, 1916.

With reference to the very esteemed Note No. 7424<sup>2</sup> of the 24 ultimo, the undersigned has the honor to communicate the following to His Excellency the Ambassador of the United States of America:

<sup>1</sup> Not printed.

<sup>2</sup> Not printed; see telegram June 21, 1916, Special Supplement, October, 1916, p. 306.

The Imperial and Royal Government agrees with the Washington Cabinet that in the presentation of the case, as set forth in the undersigned's Note No. 807 of February 22d last on the basis of information from the Imperial and Royal naval authorities, and as set forth in the statements of the crew of the steamer *Petrolite*, contradictions occur in several essential points. It is evident, however, that it can not in any way concede that the naval officer in question, who in making his report acted within the bounds of his sworn duty, could have presented the case otherwise than as it agreed with his observations and impressions. It is to be understood that the Imperial and Royal Government does not in any way question the good faith of the sources of information of the Washington Cabinet.

Under all circumstances, however, the Imperial and Royal Government must firmly disavow that the commander of the submarine could have acted with the intention of insulting the flag of the United States of America or violating the rights of American citizens. According to the views of the Imperial and Royal Government no cause is apparent for such an assumption, which also involved assumption that the commander placed himself in opposition to his own Government, whose friendly disposition toward the United States and its citizens is well-known to the Washington Cabinet.

Further, after the receipt of the note referred to from His Excellency the Ambassador of the United States, the Imperial and Royal Government is not of the opinion that the situation has now been cleared to such an extent that a final decision in regard thereto could at this moment be rendered by one side or the other. The Imperial and Royal Government, on its part, in order to do everything possible toward an elucidation of the circumstances, brought the statements of the crew of the *Petrolite* as reported by the Washington Cabinet, at once to the knowledge of the Imperial and Royal naval authorities who have placed them before the commander of the submarine for the purpose of obtaining his thorough report. It may be stated here that presentation of the case, regarded as inaccurate by the Washington Cabinet, was drafted by the Imperial and Royal naval authorities in the absence of the commander on the basis of entries in his journal and the statements of the second officer. Even now the commander's testimony in this case can not yet be taken, for the reason that he and other witnesses of the incident are at present at sea. Upon his return and examination the result of the new investigation will immediately be made known to the American Government.

On the other hand, the Imperial and Royal Government wishes to draw the attention of the Washington Cabinet to the fact that it is not apparent from the very esteemed note whether and in what sense the crew of the *Petrolite* expressed itself in regard to the statement that the commander of the submarine sent the captain of the *Petrolite* a bottle of champagne and a box of cigars, and cigarettes to the crew

of the steamer, and that the captain finally took his leave on the most friendly terms. Inasmuch as this detail is certainly very significant and the explanation thereof capable of throwing light on the whole incident, the Imperial and Royal Government would request from the Washington Cabinet information pertinent thereto, and, in the affirmative case, information regarding the prompting motive.

Finally, the Imperial and Royal Government desires to assure the Washington Cabinet that should this be the case it would, of course, not hesitate to draw from this incident the conclusions which would result according to the requirements of international law and courtesy.

Inasmuch as the undersigned has the honor most respectfully to request the good offices of His Excellency the American Ambassador to bring the foregoing to the knowledge of his Government, he avails himself of this opportunity to renew to His Excellency the Ambassador the expression of his highest consideration.

BURIAN.

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*The Secretary of State to Ambassador Penfield.*

[Telegram—Paraphrase.]

No. 1332.]

DEPARTMENT OF STATE,  
Washington, August 18, 1916.

Mr. Penfield is directed to ascertain from the Minister for Foreign Affairs whether the statement with regard to the attack on the *Petrolite* has been received from the commander of the submarine. He is informed that pending the receipt of the commander's statement the Department has been delaying a reply to the Austro-Hungarian note.<sup>1</sup> In view of the gravity of the case, this Government requests that the matter be hastened, as otherwise it will be forced to press the case on the basis of its note of June 21, 1916, and the reply of the Austro-Hungarian Government thereto.

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*The Austro-Hungarian Minister for Foreign Affairs to  
Ambassador Penfield.*

No. 4453.]

IMPERIAL AND ROYAL  
MINISTRY OF FOREIGN AFFAIRS,  
Vienna, September 9, 1916.

In pursuance of his note No. 3458 of July 17, 1916, the undersigned has the honor respectfully to submit to his excellency the

<sup>1</sup> Of July 17, 1916.

ambassador extraordinary and plenipotentiary of the United States of America, Mr. Frederic Courtland Penfield, the following:

The Imperial and Royal naval authorities instructed the commander of the submarine boat which participated in the incident of the American steamship *Petrolite* to make a thorough statement concerning the presentation of the case, as set forth in the note of the undersigned, No. 807, of February 22, 1916, as well as on the description contained in the esteemed note No. 7424 of June 24, 1916. The commander declared *under oath* that he confirms the former exposition as correct in all particulars, and the statement by the crew of the *Petrolite* deviating therefrom do not conform with the facts.

The commander stated in detail as follows:

The first shot was fired across the bow of the *Petrolite*. When the shell struck the water a clearly visible house-high column of water arose, which could not have been caused by an explosion in the engine room. When thereupon the steamer, instead of stopping, turned its bow in the direction of the submarine boat, a second warning shot was fired. Notwithstanding this, the steamer kept on turning, and thus came closer to the submarine boat, whereupon the latter commenced firing. The crew of the *Petrolite* admits that the steamer, after recognizing the submarine boat, did turn through 90°. This statement is very important and might clear up the incident. It was just this persistent turning of the steamer that gave rise to the suspicion on board of the submarine boat that they were dealing with a vessel under false colors, a *Baralong* trap. As a matter of fact, in the course of his conversation with the captain of the *Petrolite*, the commander of the submarine called attention to this maneuver and reminded him of the *Baralong* case. The name *Baralong* was certainly mentioned. This also proves the incorrectness of the testimony that the commander had taken the steamer for a cruiser. There is no proof required to show that the commander can not have mistaken the petroleum steamer for a cruiser. The commander nevertheless admits of the possibility of his having said that he had taken the *Petrolite* for a disguised cruiser, after the manner of the *Baralong*; yet he can not remember having made such a statement.

The suspicion that the *Petrolite* intended to attack the submarine boat was further strengthened by the fact that the steamer did not, as is generally the case, emit steam with a cloud of smoke, which can



be seen from a distance as an indication that it had stopped. As on the turning of the ship no American flags were to be seen painted on the sides, the commander was fully under the distinct impression that he had before him a ship like the *Baralong*, although the steamer was at first sighted without even any national flag. It is not correct that the commander had admitted that the steamer had stopped; on the contrary, it is stated in the above-mentioned note No. 807 in entire conformity with the facts that the steamer "apparently" stopped the engines, but then turned toward the submarine boat.

That, as a matter of fact, the *Petrolite* must have turned through more than 90° appears from the statement of the American naval constructor that the projectile which struck the steamer must have had an angle of impact of 45°. The submarine boat lay stopped astern of the steamer when the steamer was ordered to stop. It is not feasible to explain the angle of 45° by a maneuver of the submarine boat, for there was no reason for the latter to proceed to a dangerous position ahead of the steamer. The boat was *obliged* to endeavor to remain astern of the steamer, in order not to expose itself to the danger of being rammed. The commander can not concur in the opinion that an attempt at ramming could not be assumed for the reason that the steamer was 2 miles distant from the submarine boat, and that subsequently an attempt at ramming would appear as hopeless; for he holds that a submarine boat can not in a few moments submerge deep enough to escape an attack, so that the possibility of ramming a submarine boat is not to be excluded even when the boat is 2 miles or more from the steamer.

Finally, it is incorrect to assert that the maneuver executed by the *Petrolite* was the proper and reasonable mode of procedure. On the contrary, every steamer which is held up by a belligerent man-of-war is obliged, as is generally known, to stop as quickly as possible without executing any maneuver. A captain of a merchant vessel must know that a maneuver such as that of the *Petrolite*, particularly in the case of being stopped by a submarine boat, subjects his vessel to suspicion, and therefore places it in serious danger. Moreover, there were not 12, but only 5, shots fired. As to the effect of these shots, the commander distinctly remembers that the captain stated that the damage caused on deck was insignificant.

After the captain had come on board of the submarine boat, the commander, in addition to calling his attention to the false maneuver



and to the *Baralong* case, also called his express attention to the absence of a neutral distinguishing mark.

The wound of the Danish sailor was a very slight one; there can obviously be no question of serious flesh wounds. The sailor came on board of the submarine with the captain and said, in the course of the conversation, that a fragment of a shell had grazed his left upper thigh. He was of good cheer and smiled when expressions of sympathy were extended to him. He was a member of the boat's crew and accepted cigarettes from the commander of the submarine boat.

The testimony of the captain in connection with the delivery of provisions does not conform with the facts. It was only a question of whether he could let the officers' mess have some fresh meat. The submarine boat was amply supplied with provisions; but inasmuch as at the time it had been 10 days at sea it is conceivable that fresh provisions would have been welcome.

The captain declared himself immediately ready to turn over such provisions and refused any compensation, with the remark that, being a seaman, he would gladly assist every other seaman. The captain let the submarine boat have a ham, 50 eggs, and about 20 pounds of mutton.

After the incident the boat remained at sea for some considerable time, which would have been impossible had it been dependent upon the provisions supplied by the *Petrolite*. There can be no question of compulsion, nor was any compulsion exercised in the case of the Danish sailor. When the captain and his men were about to leave the submarine boat to get the provisions, the commander asked him whether the member of his boat's crew who could speak German could remain on board the submarine for the time being, as it was intended to put a few questions to him concerning traffic in this region and sailing routes. The captain without further ado stated that he was willing to leave the sailor on board, and he himself returned in his boat to the steamer. Shortly thereafter the same rowboat, manned by two sailors and without the captain, came alongside of the submarine boat and one of the sailors delivered a small basket of provisions to the commander. The commander again had his thanks therefor transmitted, and handed the Dane, who now reëntered the boat, as a kind of return present a bottle of champagne and a box of cigars for the captain. The captain would surely have refused this present had the steamer and his crew been illegally or inconsiderately treated by the

submarine boat. He had, moreover, taken leave of the commander in the most friendly manner by shaking hands and lifting his hat.

At the end of the inquiry the commander of the submarine boat emphasized that it was as a matter of course far from his thoughts to offend a neutral flag. It was inconceivable to him that such a thing should be attributed to a naval officer. Moreover, no offense can be seen in the application of prize law. The firing upon the steamer under a neutral flag which does not stop, or does not comply with an order to stop in a regular manner, is founded on international law—to say nothing of the fact that the commander of the submarine boat was of the belief that the American flag had been fraudulently hoisted. The commander rejected, as devoid of any foundation, the assertion that he had submitted an incorrect report. He stated that he would leave the decision of the question whether he was guilty of a lack of judgment and self-control or indeed of any evil intention with entire composure to his superiors, who alone were competent to criticize his conduct.

After the commander had given his testimony, the second officer and the chief quartermaster of the submarine boat, who had been similarly informed of the matter under investigation, were heard *under oath*. They confirmed the testimony of the commander in all particulars. An examination of the other members of the crew was abstained from, because they had no knowledge of the incident from their own observation.

In the opinion of the Imperial and Royal Government, a comparison of the depositions of the officers of the submarine boat, herein reproduced, with the statements of the crew of the *Petrolite*, gives room to the possibility of easily explaining and clearing up the apparently existing contradictions as to the essential details of the incident in approximately the following manner:

The steamer did not intend to attack the man of war, but the improper, though well-meant, conduct of the captain necessarily awakened the suspicion of the submarine boat, so that its commander felt himself compelled, after firing warning shots, to fire a few shots at the steamer, the crew of which, in their surprise at the unexpected encounter, at once believed that they had been fired upon from the first. The delivery of the provisions and the detention of the Danish sailor were probably not in accordance with the wishes of the captain of the *Petrolite*, but he outwardly evinced his readiness, perhaps be-

cause he knew that he was confronted by a man of war with whose wishes he felt himself obliged to comply, so that he only had the impression of yielding to coercion, without the commander, however, having the slightest thought of exercising compulsion.

Be this as it may, in view of the sworn depositions of the officers of the submarine boat, herein reproduced, and which explain the incident in a plausible manner, the Imperial and Royal Government entertains the conviction that the commander acted entirely within the limits prescribed by international law, and that, therefore regrettably as it may be that an American ship suffered in the event, no responsibility is to be attached either to the commander or the Imperial and Royal Government.

It may finally be remarked that the Imperial and Royal Government is in possession of sworn statements of a number of members of the crew of the *Petrolite* which agree in important particulars with the statement of the commander of the submarine boat. The Imperial and Royal Chargé d'Affaires at Washington has already availed himself of the occasion of laying the contents of these protocols<sup>1</sup> before the Department of State.

The undersigned has now the honor to respectfully request his excellency the ambassador of the United States of America to kindly bring the foregoing to the cognizance of the Government of the United States, and at the same time avails himself, etc.,

BURLIN.

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THE TORPEDOING OF THE BRITISH STEAMSHIP "PERSIA."

*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
London, January 1, 1916.

First.

P. and O. Liner *Persia* reported sunk, submarine, while approaching Alexandria.

Robert N. McNeely, American consul, Aden, going to post, left London as passenger.

Nearly all on board perished.

SKINNER.

<sup>1</sup> Not printed.

*The Secretary of State to Consul Garrels.<sup>1</sup>*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, January 1, 1916.

P. and O. liner *Persia* reported submarine while approaching Alexandria. McNeely, Consul, Aden, among passengers. Report promptly concerning him and other Americans with all obtainable details.

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LANSING.

*Consul Garrels to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
Alexandria, January 1, 1916.

P. and O. liner *Persia* carrying 4.7 gun sunk five minutes past one afternoon December thirtieth about three hundred miles northwest Alexandria. Presumably torpedo, no submarine was seen, second officer Bromley seeing torpedo track. Vessel sunk in about five minutes. Two American citizens aboard. Charles H. Grant, Manager Vacuum Oil Company, Calcutta, is safe Alexandria. Robert Ney McNeely, assigned Consul of the United States at Aden, most probably lost. Of a total four hundred passengers and crew one hundred fifty-five landed Alexandria January one. McNeely last seen in water. In view of the facts sunken vessel being armed does the Department desire the affidavits.

GARRELS.

*Diplomatic Agent Arnold to the Secretary of State.*

[Telegram.]

Cairo, January 2, 1916.

P and O steamer *Persia* torpedoed forty miles southeast of Crete Thursday 1.05 p. m., without warning. Nationality submarine unknown as not visible. Sank in five minutes. About 550 passengers and crew including many women and children. About 150 saved.

<sup>1</sup> American consul at Alexandria.

Survivors picked up after 30 hours by British destroyer *Mallard*. Reported that American Consul proceeding to port at Aden lost.

given me by a High Commissioner, whose military secretary, *name*, is survivor. Can obtain affidavit if desired.

ARNOLD.

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*The Secretary of State to Ambassador Penfield.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
Washington, January 3, 1916.

Lansing referring to the reply of the Austro-Hungarian Government in the *Ancona* matter and the favorable impression made of the friendly and reasonable attitude of the Government, etc., requests Mr. Penfield to make immediate inquiry at the Foreign Office concerning the facts in connection with the sinking of the *Persia* and express the grave solicitude of the United States Government. Penfield is requested to seek assurances of early and very serious action by the Government of Austria-Hungary in the case in the same way as it and upon the same principles set forth so frankly in the last note to United States regarding the *Ancona*.

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*Ambassador Penfield to the Secretary of State.*

No. 1169.]

AMERICAN EMBASSY,  
Vienna, January 8, 1916.

SIR: Referring to the Department's telegraphic instruction No. 1066 of January 3rd and my telegram No. 1074 of January 4th relative to the sinking of the S. S. *Persia*, I have the honor to inclose herewith copy of a Note No. 49, dated January 5, 1916, together with translation, from Baron Burian, Imperial and Royal Ministry for Foreign Affairs, expressing the views of the Austro-Hungarian Government in this connection.

I have, etc.,

FREDERIC C. PENFIELD.

[Inclosure—Translation.]

*The Austro-Hungarian Minister for Foreign Affairs to Ambassador Penfield.*

No. 49.]

I. AND R. MINISTRY OF FOREIGN AFFAIRS,  
*Vienna, January 5, 1916.*

In reply to the esteemed note of the 4th instant, No. 4436, the undersigned has the honor to state to His Excellency, F. C. Penfield, Ambassador of the United States of America, that nothing is known to the Imperial and Royal Government concerning the circumstances of the sinking of the English steamer *Persia* other than the pertinent newspaper reports. For this reason and, further, inasmuch as the esteemed note cited above offers no tangible clue in this respect, there is scarcely a question of responsibility for us in this incident. But the Imperial and Royal Government, in full accord with the views of the Government of the United States, considers it as self-understood that in every other instance involving a responsibility on its part it will be guided by the views and principles which were recognized here in connection with the sinking of the Italian steamer *Ancona*.

The undersigned, etc.

BURIAN. .

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*Consul Garrels to the Secretary of State.*

[Extract.]

AMERICAN CONSULATE,  
*Alexandria, January 8, 1916.*

SIR: I have the honor to report as follows in regard to the sinking of the P. and O. liner *Persia*.

At 5.30 o'clock on January 1st, 1916, Mr. Charles H. Grant telephoned to the Consulate. He stated that he was an American citizen, a survivor of the *Persia*, and was then on board of the H. M. S. *Hannibal*, having arrived at Alexandria about an hour before. The *Hannibal* is permanently anchored at Alexandria in the outer harbor for defense purposes. This was the first advice or information of any kind I had of the disaster. I immediately set off for the *Hannibal* in a launch from the U. S. S. *Des Moines*, which Commander Blakely kindly put at my disposal. On arriving aboard of the *Hannibal* at about seven o'clock, I found the British Vice Consul of Alexandria in conference with the survivors who had been brought to Alexandria

by the British armed trawler *Mallow*. I was informed that one hundred and fifty-one persons had been brought in, which made up the contents of four of the *Persia's* boats that had been picked up. All told the same story: An explosion while at luncheon; a hurried endeavor to put on life belts and report to the lifeboat stations that had been previously assigned to the passengers; a rapid list of the ship to port and subsequent sinking in about five minutes; no vessel or craft of any description seen by anyone before or after the explosion. None of the officers of the *Persia* were interviewed. Those who had not gone ashore had retired.

Mr. Grant then told me that Consul McNeely, of Aden, had been on board. Mr. Grant stated that he and Consul McNeely were at luncheon when the explosion occurred. Both hurried to their cabins for life belts. Consul McNeely's cabin was on the port side of the deck above the dining salon, at the entrance to which they parted. Mr. Grant did not see Mr. McNeely again. One of the survivors told Mr. Grant that he had seen the Consul swimming, but Mr. Grant could not recall who his informant was.

Commander Blakely having kindly extended the hospitality of the *Des Moines* to Mr. Grant, I conducted him aboard, where he remained until his departure for Cairo, on January 6, 1916.

My telegram to the Department sent at 11 o'clock on January 1st, 1916, contained all of the details it was possible to gather at that time.

On the morning of January 2, 1916, telegrams from the Department and Consul General Skinner at London requesting information in regard to the disaster were received. Prompt replies were transmitted.

The Department's telegram of January 3, 1916, stating that affidavits were desired, was received about noon January 4th. Unfortunately, the officers and lascar crew had already left Alexandria and were on their way to England via Port Said, Malta, and Marseilles. A telegram immediately dispatched to Port Said arrived too late for the Consular Agent there to see the party. The Consul at Malta has been requested to interview the party on arrival there and obtain the desired affidavits. In event of his failure, he has been asked to communicate with the Consul General at Marseilles.

The affidavits obtained here are being transmitted with separate dispatch to-day.

I have, etc.,

ARTHUR GARRELS.

*Consul Keblinger to the Secretary of State.*

No. 42.]

AMERICAN CONSULATE,  
*Valetta, January 9, 1916.*

SIR: In accordance with the Department's telegraphic instruction of January 6, 1916, I have the honor to inclose herewith affidavits of Lord Montagu of Boileau, Ship's Steward Charles Leonard Martin and Mr. Mafessanti Benvenuto, survivors of the British steamer *Persia* which was sunk in the Mediterranean December 30, 1915, about 1.10 p. m.

A summary of the statements contained in the affidavits were cabled to the Department to-day, a confirmation copy of the telegram being attached hereto.

As stated in the telegram Mr. Alexander Clark and seven Indians of the crew, survivors of the *Persia* were sent from Malta after only a short detention.

I have, etc.,

WILBUR KEBLINGER.

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[Inclosure.]*Statement of Lord Montagu of Boileau, Re sinking of S. S. "Persia."*

The voyage of the *Persia* had been a very successful one up to the time of the accident, and everyone was very comfortable and happy. On the day before the accident, we had boat drill at 10.30 a. m, and all of the passengers and crew went to their appointed stations, all the passengers with their life belts on. Owing to the ship not being full there was ample accommodation for everyone.

About 1.10 p. m. on Thursday, December 30, just as we were sitting down to tiffin there was a terrific explosion just abaft the main saloon; the smell of explosives at once told us what had happened, and I realized the ship had been torpedoed; the passengers at once went to fetch their life belts, and go to their stations without any sign of panic or fuss. When I got to the station allotted for No. 6 boat, on the port side, I saw boats being lowered on that side, but owing to the list of the ship, for she had begun to heel over very considerably, I at once realized that it was impossible to get into any boats on the port side as the ship was lying over on them, and still retained too much way, making it impossible to hope for any safety by boats on the port side. With great difficulty I then climbed up the starboard side, trying to pull with me a lady passenger who happened to be near me; the ship was then practically on her beam ends, and this was about three minutes after she had been struck. The ship now be-



gan to sink rapidly by the stern and I was swept off my feet by the rush of water along the promenade deck, going overboard on the starboard side. The ship then sank and I was sucked down a long way, striking my head and body against several pieces of wreckage. It seemed a very long time before I came to the surface again, though I was conscious of rising very quickly, owing to the extreme buoyancy of my Grieve Waistcoat, which certainly at this moment saved my life. Just before the ship foundered there was the usual and inevitable uprush of steam and smoke from the engine room and stokehold. To show the rapidity with which the vessel went down I do not think more than four minutes could have elapsed from the time of her being struck to the time she disappeared. I am convinced that the commander, the officers and the crew did all that was possible to be done under the terrible circumstances.

When I had recovered my senses sufficiently to look around I saw the sea covered with struggling human beings but very little wreckage, and as far as I could see there seemed to be only three boats afloat in the water. There was nothing to indicate the presence of a submarine nor did I see any sign of one while on the *Persia* subsequent to the torpedoing and previous to the sinking of the vessel. I then swam towards a signal locker I saw floating in the distance and to which was clinging the ship's doctor, who appeared in a stunned condition, as his head appeared to be injured in some way; on reaching it I found it would not support more than one person so I left the doctor on it and swam towards a boat floating upside down about fifty yards away, her bottom being covered with native seamen, far too many for the boat to support. I managed, however, to climb up and get astride of the keel band on the extreme end aft and from this position I saw a boat a short distance off, picking up people, and shouted to them to come and help us, but they rowed away, but as there were cries of help from all sides I make no complaint about them not coming to our assistance. About one hour after the disaster there were on our upturned boat four Europeans left, besides about twenty native crew, the remainder having dropped off as they became too weak to hold on. The boat at this time was righted by a big wave, and we managed after great difficulty to get into her. I then realized that not only had she a large hole in her bottom, but that her bows were split open as well, probably smashed in the lowering. She was also in a state of extreme instability for the air tanks which showed she was one of the life boats were some of them smashed and others perforated and the smallest weight on the starboard side of her tended to capsize her again, which before we were picked up happened several times. About sunset we were most of us sitting up to our knees in water, and there remained when the sun went down of the original number in the boat, thirteen native seamen and firemen, two Goanese stewards, one Italian 2d class passenger, one Scotchman, also a 2d class

passenger, one English Steward, named, Martin, and myself, i.e., nineteen only. Had it not been for Mr. Alexander Clark, the Scotch passenger, and Martin, the steward, who more than once helped me to climb back into the boat, after she capsized so often, I should have had no chance. At sunset I managed to stand up in the boat and have a good look around and saw only one boat to the eastward about one mile away and one or two survivors still clinging to wreckage to the southward of us. Though there was not much wind there was a considerable swell on and nearly all the time the sea was breaking over us.

Before the night was half gone several more natives died in the boat from exhaustion, and as the bodies were washed about in the boat we had to throw them overboard. About 8 p. m. a steamer passed with her saloon lights all showing, about one mile to the southward; we tried to attract her attention by shouting, and the other ship's boat, to the eastward, burnt two red flares, but she took no notice, possibly thinking it was a ruse of a hostile submarine. When the moon rose about 2 a. m. I saw one or two more natives had died, including the doctor's Goanese servant, who was sitting on the gunwale of the boat next to me. At dawn next morning, Friday, the 31st, there were only eleven, all told, left in the boat. The Italian passenger then helped to pick out more bodies at his end of boat. About three hours after sunrise we saw a two-funneled and two-masted steamer to the southward, and our hopes again raised. We managed to hoist a piece of torn flag on the one oar left in the boat, as a signal, and saw the ship's boat to the eastward, which seemed to be floating well, do the same. The ship passed westward bound about three miles away but either did not see us or suspected a ruse. We saw nothing for the rest of this day. One of the native crew about noon managed to get a tin of biscuits from the locker in the boat under the thwarts, and we managed to eat a little of this. We then had been nearly thirty hours without food or water—that is, since breakfast the day before. We saw nothing of any ship for the rest of the day. Personally I felt the heat of the sun, for except a small khaki scarf which I had in my pocket I should have had no protection, as none of us had any coverings for our heads.

At sunset on Friday we had practically given up all hope of being saved, and I found it a great struggle to keep awake and hold on, as the tendency to drowsiness was almost irresistible. We capsized again about 7 p. m. owing to the instability of the boat, and in this capsize we lost the tin of biscuits and the red flares we hoped to use that night. About 8 p. m. we saw the masthead lights of a steamer, the ship that eventually picked us up, far away to the eastward, and presently I could discern her side lights, which showed me she was coming pretty nearly straight for us. When she got close to us we started shouting in unison, and when she was about half a mile away she ported her helm, stopped her engines and appeared to be listening. We knew now

like other ships she expected a ruse and dare not approach until she made further investigations. After some time she came up closer to us and we heard the first human voice shout out to us; she also blew her whistle; this was about 8.30 p. m. When she came closer we tried to explain that we were helpless and had no means of getting alongside. Eventually the captain (Captain Allen) of this ship, which proved to be the Alfred Hold steamer *Ning Chow*, bound from China to London, very cleverly maneuvered his ship alongside our wreckage and threw two lines to us, thus hauling us alongside. Bowlings were passed round us, and we were hauled on board.

The captain and his officers did all they could for us and I consider it a very plucky act on their part, for they knew they were in the danger zone and ran the risk of being torpedoed themselves. I should mention it was Mr. Allen Maclean, the 3rd officer of this ship, who was the officer of the watch at the time and who first appears to have heard our cries, and our being saved is mainly due to him.

Once on board we began slowly to recover from the exposure and injuries which we had been subjected to, and we eventually arrived at Malta at dawn on Monday, January 3. We were sent on to St. Paul's Day for examination and brought on to Valetta in a steam trawler, where we were met by Captain Andrews, the P. & O. Co.'s agent, who showed us every consideration and kindness.

I consider that our being saved at all is an absolute miracle, as we were fast approaching a stage of complete exhaustion, and the chances of the *Ning Chow* passing over the spot so close were infinitesimal, and the same may be said of any other vessel.

In conclusion I would again state that everything possible was done by the commander, officers, and crew of the ship during this terrible crisis, and so far as I could see the ship was in every way well found and that boats in good order and condition up to the time of the disaster. A constant watch was kept and any warning given by a submarine would undoubtedly have been seen at once.

MONTAGU OF BOILEAU, *Peer*.

Sworn to and subscribed in my presence this ninth day of January, 1916.

WILBUR KEHLINGER,  
*American Consul, Malta.*

[Seal of the American Consulate.]

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[Inclosure 2.]

*Statement of Charles Leonard Martin, Re sinking of S. S. "Persia."*

I, Charles Leonard Martin, a British subject, aged eighteen years and ten months, having been duly sworn, depose as follows:

I was a steward on the P. & O. steamer *Persia*, bound from London to Bombay. On December 30, 1915, I was serving at table during luncheon in the dining saloon when at about 1.10 p. m. there was a violent explosion which shook the boat from stem to stern and I realized at once that the ship had been torpedoed. Immediately after the explosion I rushed to get my life belt and then to my station, which was No. 5 boat on the starboard side. The chief engineer was also at boat station No. 5 but it was impossible to lower the boat owing to the listing of the ship to the port side. As the ship listed more to port I held on to a boat davit on the starboard side and after a very few moments I was sucked into the water. When I came to the surface I was dazed and floated around for a while, but finally managed to get to an upturned boat which was occupied by about 20 or 25 persons, mostly Lascars. We were taken up by the *Ning Chow* about 8.30 p. m. of Friday, December 31, 1915, and brought to Malta. My experience after getting to the lifeboat was similar to that of Lord Montagu, which is described fully in his affidavit.

During the time I was on deck immediately after the explosion and while in the water and later in the lifeboat I saw no sign of a submarine.

The *Persia* has a 4.7-gun mounted aft, but so far as I know it was not used as there was no sound of a report previous to the torpedoing and afterwards there was not sufficient time to use the gun, the ship going down within five minutes after being hit, nor could it have been used owing to the great list of the vessel.

C. L. MARTIN.

Sworn to and subscribed before me this ninth day of January, 1916.

WILBUR KEBLINGER,  
*American Consul, Malta.*

[Seal of the American Consulate.]

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[Inclosure 3.]

*Statement of Mafessanti Benvenuto, Re sinking of S. S. "Persia."*

I, Mafessanti Benvenuto, an Italian subject, whose home address is Via Nappione 26, Turin, Italy, having been duly sworn, depose as follows:

I was traveling as a second-class passenger on the steamer *Persia*, Marseille to Bombay, en route to Mysore (India), as a contractor of J. Taylor & Son, 6 Queen Street Place, London, E. C., England.

On December 30, 1915, while the passengers were at dinner the ves-

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ck by a torpedo, this being the first intimation that the  
saw of a submarine in the vicinity. It was 1.05 when the  
ship was hit and it sank at 1.10 p. m. Nothing was seen indicating  
presence of a submarine. After the explosion I rushed to the  
and previous to the sinking of the ship I jumped into the sea  
must have gone down at least fifty feet. When I came to the sur-  
I climbed into a small boat together with some other 28 men.  
remained in this boat, keeping it afloat with great difficulty for  
one hour, when we were picked up by the *Ning Chow* and  
t to Malta. Only eleven men of the crowd originally on the  
survived, four Europeans and seven Arabs.

MAFESSANTI BENVENUTO.

born to and subscribed before me this 9th day of January, 1916.

WILBUR KEBLINGER,  
*American Consul, Malta.*

d of the American Consulate.]

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*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*Berlin, January 17, 1916.*

Gerard: that he has been informed by German Under-  
secretary that all German submarines have now re-  
turned to Germany. It is stated that a German submarine did not cause the sinking of  
the *S. S. Persia*.

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*Ambassador Penfield to the Secretary of State.*

No. 1217.]

AMERICAN EMBASSY,  
*Vienna, January 22, 1916.*

SIR: Confirming my telegram No. 1103<sup>1</sup> of to-day's date I have  
the honor to inclose herewith a copy and translation of a note from the  
Austro-Hungarian Minister for Foreign Affairs disclaiming any par-  
ticipation of an Austro-Hungarian submarine in the sinking of the  
S. S. *Persia*, on which my telegram above referred to was based.

I have, etc.,

FREDERIC C. PENFIELD.

<sup>1</sup> Not printed.

[Inclosure—Translation.]

*The Austro-Hungarian Minister of Foreign Affairs to Ambassador Penfield.*

No. 282.]

I. AND R. MINISTRY OF FOREIGN AFFAIRS,  
*Vienna, January 21, 1916.*

The undersigned has the honor, pursuant to his note No. 49 of the 5th instant, to inform His Excellency the Ambassador of the United States of America, with the request to notify his Government thereof, that in the meanwhile all the Austro-Hungarian submarines have returned from their voyages and no one of them comes into consideration in connection with the sinking of the *Persia*.

The undersigned avails himself of this opportunity to renew to His Excellency the Ambassador of the United States the expression of his highest consideration.

BURIAN.

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*The Secretary of State to Chargé Philip.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, February 2, 1916.*

Mr. Lansing informs Mr. Philip that the Department is in receipt of advices that on December 30, 1915, the P. and O. line steamer *Persia*, British, which carried at 4.7 gun, while southeast of Crete about forty miles and about three hundred miles northwest of Alexandria was sunk without warning by an explosion which occurred on the port side, caused by a torpedo. Immediately before the ship was sunk the wake of the torpedo was seen, and in a few minutes the ship sunk, so that it was possible to launch only a few of the vessel's boats. Two or more American citizens, one of them an American Consular representative, en route to Aden, lost their lives as a result of the destruction of the vessel.

Mr. Philip is instructed formally to bring this matter to the attention of the Turkish Government, and to request that he be informed as to whether the sinking of the *Persia* was caused by a submarine operating under the instructions of that Government, or by one carrying the Turkish flag.

*Ambassador W. H. Page to the Secretary of State.*

No. 3073.]

AMERICAN EMBASSY,  
London, February 17, 1916.

SIR: With reference to my telegram No. 3805 of to-day's date, I have the honor to transmit herewith inclosed copies of a Note dated February 16th, which I have now received from the Foreign Office, transmitting copies of twelve further statements which have been made by the chief officer, second officer, and second engineer of the S. S. *Persia*, together with copies of statements made by the surviving engineers, able seamen, and carpenter of that vessel, in regard to her loss.

I have, etc.,

WALTER HINES PAGE.

[Inclosure.]

*The British Secretary of State for Foreign Affairs to Ambassador W. H. Page.*

FOREIGN OFFICE,  
February 16, 1916.

YOUR EXCELLENCY:

With reference to my note of the 29th ultimo, I have the honor to transmit to Your Excellency herewith, for the information of the United States Government, copies of further statements by the chief officer, second officer, and second engineer of the S. S. *Persia*, together with copies of statements by the surviving engineers, able seamen, and carpenter of that vessel, in regard to her loss.

I have, etc.,

(For Sir E. Grey:)

W. LANGLEY.

I, Harold Geoffrey Stephen Wood, of "Westeria," 14 Holmes Road, Twickenham, second officer of the Peninsular and Oriental Company's steamship *Persia*, make oath and say as follows:

I hold a certificate as second mate and have been an Officer in the P. and O. Company's service since March, 1913. I have been in the *Persia* since June, 1914.

On the 30th December last I went on watch at noon and found the captain in personal charge of the navigation. There was a seaman on the lookout in the crow's nest, another on the forecastle, and an A. B. and a lascar on duty at their stations, also looking out on the lower bridge, one on either side in addition to the A. B. with me at the wheel. There were also three of the gun's crew on the poop aft, viz., two A. B.'s aft and one marine gunner.

At 1.10 p. m. Captain Hall was on the lower bridge, and I then saw the wake of a torpedo approaching (four points on the port bow) the ship, a second before she was struck. I had not sighted a submarine myself nor had anything been reported to me nor was any warning given. As soon as the ship was struck I attempted to give the five-blast signal on the whistle which had been agreed upon to order all to their boat stations, but could not work the whistle, as the steam had gone. I then ran down to the lower bridge and asked Captain Hall if I could help with the secret dispatches, and he answered, "No; I am attending to them myself; get out the port boats as quickly as possible and look after your passengers." I left the bridge and went aft, as directed, taking my life belt on the way. The Captain had been personally in charge of the navigation all the day directing and verifying the courses and had not, I gather, been down to the saloon to lunch.

The weather was fine, but the sea was choppy and it would have been difficult to see the periscope of a submarine, although all were on the alert for such a contingency. The torpedo struck the ship on the port side just abaft the forward funnel and probably fractured the bulkhead separating No. 3 hold (one of the largest holds) from the stoke hold. After the first explosion caused by the torpedo there almost immediately followed another explosion, and as I saw no second torpedo I concluded one of the boilers had blown up, partly because of the quantity of steam which was rising and for the reason I could not get steam for the whistle, and also from the fracture there was in the deck through which coal and ashes had been blown.

There were 20 boats on the *Persia*, 10 on either side of the ship, which would accommodate nearly 1,000 people and sufficient, even with the starboard boats out of service, to accommodate all the persons on board.

One of the boats on the port side No. 6 was blown away by the first explosion, but the crew were going to their appointed stations, as prearranged, and when I reached the poop Nos. 14 and 16 boats were already being properly lowered.

I then looked to the two inside boats and found their gripes had been already released so as to enable them to float when the ship went down, so I went over to the starboard side to see if anything could be done to release any of the boats there, and found the third engineer trying to clear away No. 15 starboard boat, which had a number of people in it, but the boat, owing to the ship's list, was caught on the eyebrows of the ports, so I called out to the people in the boat to jump into the water, which was the only thing for them to do.

I saw No. 14 port boat clear, but No. 16 was sunk by the ship's davits cutting it as the vessel went over.

The *Persia* went down under my feet, and when I got into the water, I saw two empty boats floating with no one in them, evidently



the inside boats No. 14A and 13A, the gripes of which had been released to admit of their floating when the ship sank. I swam to one of them and just as I got hold of it it turned turtle, and I then went to the other, got into it, and picked up altogether 43 people from the water, subsequently taking five more out of the Chief Officer's boat, which was overloaded.

Everybody behaved exceedingly well, both passengers and crew, and if there had been only a few minutes' more time we should have, I believe, saved pretty well everybody on board.

(Signed) H. G. S. Wood,  
2d Officer.

Sworn by the above named Harold Geoffrey Stephen Wood at No. 122 Leadenhall Street, in the city of London, this twentieth day of January, 1916, Before me.

(Signed) JOHN A. DONNISON,  
A Commissioner for Oaths.

*Chargé Philip to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
Constantinople, March 8, 1916.

Mr. Phillip reports receipt of a note verbale dated March seventh from the Sublime Porte, stating that the *Persia* was not sunk by a submarine flying the Turkish flag, and that as all naval vessels under the instructions of the Government of Turkey must fly the flag of Turkey, it therefore could not have been a Turkish submarine or a submarine acting under instructions of the Government of Turkey.

#### CASE OF THE "IMPERATOR."<sup>1</sup>

*Consul General Hurst to the Secretary of State.*

[Telegram—Extract.]

AMERICAN CONSULATE GENERAL,  
Barcelona, April 14, 1916.

Russian barkentine *Imperator* with cargo timber from Gulfport, Mississippi, bound for Marseille, France, thrice shot at by cannon

<sup>1</sup> For additional correspondence concerning the *Imperator*, see Special Supplement, 1916, pp. 305-306.

without warning, one taking effect and vessel subsequently set afire by Austrian submarine near Columbretes Islands off Spanish Mediterranean coast April eleventh. *Imperator* carried two American citizens in crew, Gustave Olson and Aner Swennsson; former now in hospital Barcelona with shrapnel wounds. Swennsson uninjured.

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*Consul General Hurst to the Secretary of State.*

[Extract.]

No. 180.]

AMERICAN CONSULATE GENERAL,  
*Barcelona, May 24, 1916.*

SIR: I have the honor to report that the American seamen Gustave Olson and Einer A. D. Swensson, whose relief and transportation the Department provided for by its telegram of April 27<sup>1</sup> to this Consulate General, are returning to the United States on the Spanish line passenger steamer *Montserrat*, which leaves Barcelona on May 25 for New York. Gustave Olson spent about five weeks in a hospital here and is still unable to work. The two sailors made declarations before me as to the circumstances regarding the Russian barkentine *Imperator*, bound from Gulfport, Mississippi, for Marseille, France, on which they were employed at the time when, in the Mediterranean off the Spanish coast, it was attacked by a submarine. I inclose herewith copies of their affidavits for the Department's information and possible use.

I have, etc.,

CARL BAILEY HURST.

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[Inclosure.]

*Affidavit of Gustave Olson.*

CITY OF BARCELONA, KINGDOM OF SPAIN,  
*Consulate General of the United States of America.*

Gustave Olson, of Minneapolis, Minnesota, being duly sworn according to law, deposes and says: I embarked as seaman on the Russian sailing ship *Imperator* at Gulfport, Mississippi, which sailed February 23, 1916, for Marseilles, France, with a cargo of timber. About 11 o'clock in the morning on April 11, 1916, in the Mediterranean off the east Spanish coast, I heard a shot. I was on deck and when

<sup>1</sup> Not printed.

I heard the shot I turned and ran back and there I met the Captain. We looked all around and all we seen was a Norwegian steamer behind us. Then we heard another shot. We looked around again and finally we saw a submarine about a mile and a half off. She came toward us till even with us, a half a mile off. The Captain raised the Russian flag and I started to the front to get my clothes. I got within three or four feet of the forecastle when they fired again, and this shot hit us and I remember I was hit and fell down somewhere all doubled up. I must have gone away up in the air, because when I got up I was on the other side of the ship and I seen I was wounded and blood all over me. I ran around the forecastle and seen Zimmerman wounded and started for aft again. The Captain asked me to help throw two boats out. They had shot the bottom out of our life boat, which was a nice boat like a launch with seats all around the sides, and we had her all fixed up for danger with bread and water in her. The other boats were old and small and more for decoration, just chained down to the deck and we had to chop them off. I done the best I could and got the boats off and we all rowed over to the submarine. The Captain on the submarine ordered me and Zimmerman on board and dressed our wounds and then ordered us back into the rowboats. On the submarine two men spoke broken American and they told me that they had sunk twelve ships in two days. The Captain had a uniform on and the mate, too, with double rows of gold buttons and blue caps with gold bands. The Captain and the mate had mustache and chin beard and the rest of the crew seemed to be young lads. The man that dressed our wounds had high rubber boots. The submarine was 80 or 90 feet long, I judge, and under water all of the time, for we stood in water up to our knees when the wounds was being dressed. The Captain of the submarine told our Captain that the submarine was Austrian but that the crew was German.

The submarine's mate and two men got into our boat, taking our mate and rowed over to the *Imperator*. They took the flag and the compass and then asked for all the kerosene we had on board and poured it all over the cargo and set it afire, first exploding a bomb in the forecastle. Then they got out in the little boat again and the submarine mate took a bomb or mine and blew it off, making a hole in the side of the ship. Then they came back to the submarine and tied a long rope to our two little boats and towed us around the wreck which was burning, then towed us out to sea about 15 miles and left us there to float. We drifted about a half an hour bailing the boats all of the time as they were full of leaks, when we spied a Dutch boat which we signaled with a raincoat on an oar. The Dutch boat started toward us and we started to row to them. When within about three quarters of a mile of them the submarine fired them a shot to stop them. They stopped and went in a small boat to the submarine

with their papers. Then I thought we were lost surely, as we could never have kept afloat much longer in those little boats and a big wind was coming up and the sea was getting rougher all the time. But the submarine let them go and did not sink them and they picked us up and brought us to Barcelona, and I was taken to the Hospital Clinico, where I stayed from April 13th to May 16th under treatment all of the time. The doctors thought at first they would amputate my thumb and little finger of my left hand and at last they took out the bone in the first joint of my thumb. I had a deep shrapnel wound on my head, a gash on my cheek, cuts and bruises on different parts of my body, besides my thumb and little finger of my left hand being broken.

And further deponent saith not.

GUSTAVE OLSON.

Sworn to and subscribed before me this twenty-fourth day of May, 1916, at Barcelona, Spain.

CARL BAILEY HURST,  
*Consul-General of the United States of America.*

[Seal of the American Consulate General.]

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[Inclosure 2.]

*Affidavit of Einer A. D. Swenson.*

CITY OF BARCELONA, KINGDOM OF SPAIN,  
*Consulate General of the United States of America.*

Einer A. D. Swenson, a citizen of the United States by birth, resident at Boston, Massachusetts, 19 years of age, being duly sworn according to law deposes and says: I was a member of the crew of the Russian barkentine *Imperator*, which sailed from Gulfport, Mississippi, on February 23, 1916, with a cargo of lumber for Marseille, France. On April eleventh last, in the Mediterranean Sea near the Columbretes Islands off the Spanish coast, the said barkentine *Imperator* was attacked under the following circumstances: At about a quarter before eleven I was at the wheel, alone, I think, on deck, when I heard two shots fired and then saw, perhaps a mile forward of us on the starboard bow, a submarine. I recognized the shots as a signal to stop and so told the captain who came on deck to inquire what was the matter; I pointed out the submarine to him, but he told me that it was no submarine and that in any case the signal to stop was not meant for us but for a Norwegian vessel aft of us. Instead of lowering the sails and heaving to the Captain waited about twenty minutes looking at the submarine while I remained at the wheel as he commanded me. The Captain then hoisted the Russian flag and went below to call the

boatswain, who came up and recognized the vessel as a submarine. Immediately afterward when we had come up with the submarine which was lying off to starboard, the submarine fired a high shot at us as our barkentine was rolling; the shot struck a mast which splintered badly. The Captain began to cry and to pray to the submarine, while the boatswain cut down the sails, and we heaved to. Directly we lowered two small boats and I was sent to bail the water out of one of them; Gustave Olson, an American sailor who had been seriously hurt by the shot that struck the mast, came into the boat and lay down in the bow. When we had all left the ship at about half-past eleven, we put off, rowing toward the submarine, which took the injured sailor on board of it to dress his wounds, and took our Captain's papers also on board for inspection. Then we were obliged to row the officers of the submarine, which it was reported was Austrian manned by Germans (the submarine showed a flag, but I do not know what flag it was), back to our barkentine *Imperator*, in the hold of which they placed, so our Captain told me, a bomb with paraffin; and then we rowed again to the submarine, on which the officers, who appeared to speak good English, re-embarked after making our two small boats fast to the stern of the submarine. I heard a slight explosion on board the *Imperator*. The submarine thus towed us ten or twelve miles toward the coast of Spain and cut us adrift after giving us the compass; we were adrift until about four o'clock in the afternoon, when we were picked up by a Dutch vessel which brought our crew to Barcelona. And further deponent saith not.

EINER A. D. SWENSSON.

Sworn to and subscribed before me this twenty-fourth day of May, 1916, at Barcelona, Spain.

CARL BAILEY HURST,  
*Consul-General of the United States America.*

[Seal of the American Consulate-General.]

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CASE OF THE "CHEMUNG."

*Consul Putnam to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Valencia, (Received) Nov. 28, 1916.*

American steamer *Chemung* sunk by gunfire and torpedo by Austrian submarine fourteen miles east Cape de Gata, ten twenty a. m., twenty-sixth. Crew brought to Valencia; all well.

PUTNAM.

*Consul Putnam to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE,  
*Valencia, November 29, 1916.*

November 29, 1916, 10 p. m.

Preparing affidavits crew. Master Chief Mate state *Chemung* bound Genoa from New York. Cargo included metals, machinery, codfish, cotton, lubricating oil, staves, benzoil, malt, six hundred cases blasting caps. Thirty-six thirty-seven north, one fifty-five west, heavy westerly swell November twenty-six, ten twenty in the morning. Received warning shot, stopped immediately, hoisting signal "Am stopped" and ensign, distinguished submarine approaching on port quarter. Ten forty submarine mile to westward fired solid shot, hitting water in line of ship just short port bow. Immediately dispatched chief mate in boat with ship papers. Submarine, under Austrian flag, examined papers, informed chief mate would sink ship, making Master prisoner. Asked location six hundred cases explosives loaded aft, stated would bomb ship forward. Submarine steamed toward ship, signals at eleven twelve to abandon ship instantly. Crew clear of ship eleven twenty-two. Eleven twenty-four at three hundred feet fired three shots, only one taking effect on right quarter above the water line ten feet from the stern. Fired torpedo eleven thirty taking effect after hatch among the explosives, instantly sinking ship, débris endangering boats and submarine. Master not imprisoned. Boats towed to point five miles off the coast where were picked up by a Spanish steamer.

PUTNAM.

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*The Secretary of State to Ambassador Penfield.*

[Telegram—Paraphrase.]

No. 1436.]

DEPARTMENT OF STATE,  
*Washington, December 2, 1916.*

Mr. Lansing states that the Department had been advised that the United States steamship *Chemung* had been sunk by torpedo and gunfire from an Austrian submarine on the 26th of November, 10.20 a. m., at 36° 37' north, 1° 55' west. The vessel had a mixed cargo and was bound from New York to Genoa.

The Embassy is instructed to bring the case to the Foreign Minister's attention, and to ask for an immediate investigation and report upon this sinking of an American vessel.

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*Ambassador Penfield to the Secretary of State.*

[Telegram—Paraphrase.]

No. 1654.]

AMERICAN EMBASSY,  
Vienna, January 23, 1917.

Mr. Penfield reports that the Minister for Foreign Affairs had stated that, according to the data furnished by the Austro-Hungarian naval authorities, the steamship *Chemung* was on the 26th of last November stopped near Gataby, the submarine hailing her hoisting the signal "bring ship's papers on board" and at the same time firing a wide warning shot across her bow. The weather was fine and almost calm. No steps being taken to lower a boat after the first shot, notwithstanding a lengthy interval, a second shot was fired across her bow. The signal was easily recognizable, the distance between the submarine and the *Chemung* being about three thousand meters. The *Chemung* then sent a boat with its first officer carrying the ship's papers, which showed that the cargo consisted of war material for Italy. The ship's officer was then notified that the ship would have to be sunk. He was then asked if there was any ammunition on board, and his answer indicated there was none, but only blasting caps in the cargo. The term "blasting caps" being unknown on the submarine no especial investigation was made, since it was assumed that if explosives were involved the officer questioned would have at least added a more explanatory remark, such as "dynamite." The signal "leave the ship" was then hoisted and the boat returned to the ship. The entire crew had already made preparation to leave, and upon entering the boats carried with them their hats, overcoats, walking sticks, and packed valises. It was clearly in evidence that the matter of abandoning the ship had already been considered by the crew, and therefore all preparations had been made. The boats, after having been launched, were rowed away to a considerable distance. To sink the ship from leeward was the first intention, but the submarine being then too close to the ship after firing two shots in its

stern other shots were fired from windward at a distance of about one hundred meters. After two or three shells had been fired the entire steamer suddenly blew up with a violent explosion. The falling of debris and the mainmast did no damage to the lifeboats containing the Americans or the submarine, notwithstanding their proximity. A suspicion was at once aroused that the Americans had purposely refrained from mentioning the fact that explosives were aboard the vessel, and the Captain asked how explosives happened to be on board. He was told that the explosion was caused by "blasting caps," which were made of dynamite. The two boats were then towed by the submarine and conducted to a coast, distant about fifty nautical miles. The boats were cast off when about three nautical miles from shore, as an unknown steamer appeared at a distance of about four thousand meters and steering directly for the submarine, which submerged. A cargo steamer stopped and took on the crew of the *Chemung*, besides picking up the boats.

In submitting the above report the naval section of the Austro-Hungarian Ministry of War add that it would be remiss if it failed to state, according to its opinion, that the crew of the *Chemung* in any event intended to damage the submarine. The Minister for Foreign Affairs refers to the order of the Austro-Hungarian prize court of November 28, 1914, and says, "It is of course understood that a neutral government is at liberty to resort to diplomatic channels if it finds itself unable to accept a decision of the prize court of last instance as satisfactory. The Imperial and Royal Government would be able to take a position in the matter of the treatment of persons found on board a prize because this question does not belong to the competency of the prize courts."

Mr. Penfield adds that a copy of the note would be sent by pouch, which would leave Vienna upon January 25th.

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### 3. MISCELLANEOUS LIST OF VESSELS ATTACKED.<sup>1</sup>

[NOTE.—The damaging of the American steamers *Seaconnet* and *Goldshell* has been reported to the Department.]

The Department has also received reports of attacks on vessels of other than American registry, with Americans on board as follows:

<sup>1</sup> This list does not include vessels printed as separate cases.





Name of ship.	Registry.	Date of attack.	Torpe- doed.	Mine.	Gun fire.	Warned.	Ameri- cans on board.	Americans killed.	Sunk.
Englishman .....	British .....	Mar. 23, 1916	Yes .....	.....	Yes .....	No .....	1	6	Yes.
Eptalofos .....	British .....	Mar. 23, 1917	Yes .....	No .....	Yes .....	No .....	3	None.	Yes.
Eretria .....	British .....	May 12, 1916	Yes .....	No .....	No .....	No .....	8	None.	Yes.
Fairport .....	British .....	Apr. 15, 1916	Yes .....	No .....	Yes .....	No time to escape.	1	None.	Yes.
Folia .....	British .....	Mar. 11, 1917	Yes .....	No .....	Yes .....	No .....	1	None.	Yes.
Galgorn Castle .....	British .....	Feb. 27, 1917	No .....	No .....	Yes .....	No .....	4	2	(?)
Girda .....	Norwegian .....	Mar. 13, 1917	.....	.....	Yes, and bombs.	No .....	2	None.	Yes.
Hainault .....	Belgian .....	Mar. 12, 1917	No .....	No .....	Yes .....	No .....	2	None.	Yes.
Harpaluss .....	British .....	Dec. 2, 1916	No .....	No .....	Bombs ..	Yes .....	1	None.	Yes.
Harrovian .....	British .....	Apr. 16, 1916	No .....	No .....	Yes .....	Yes .....	1	None.	Yes.
Havgard .....	Norwegian .....	Feb. 6, 1917	.....	.....	Bombs ..	Yes .....	1	None.	Yes.
Helgoy .....	Norwegian .....	Jan. 3, 1917	Yes .....	No .....	Yes .....	Yes .....	1	None.	Yes.
Holly Branch .....	British .....	Jan. 1, 1917	No .....	No .....	Yes, and bombs.	Yes?	1	None.	Yes.
Iberian .....	British .....	July 30, 1915	Yes .....	No .....	Yes .....	Yes .....	3	1	Yes.
Inverlogie .....	British .....	Mar. 9, 1917	No .....	No .....	Yes .....	Yes .....	1	None.	Yes.
Inverlyon .....	British .....	Apr. 11, 1916	No .....	No .....	Yes .....	Yes .....	2	None.	Yes.
Japanese Prince .....	British .....	Feb. 10, 1917	Yes .....	No .....	No .....	No .....	29	None.	Yes.
Kelvina .....	British .....	Sept. 2, 1916	No .....	Yes .....	No .....	.....	28	None.	Yes.
Knutsford .....	British .....	July 22, 1916	No .....	No .....	Yes .....	Not stated	1	None.	Yes.
Koophandel .....	Belgian .....	Aug. 1, 1915	No .....	No .....	Yes .....	No .....	1	1	Yes.
La Campine .....	Dutch .....	Mar. 13, 1917	Yes .....	No .....	No .....	Yes .....	1	None.	Yes.
Leo .....	Russian .....	July 9, 1915	Yes .....	No .....	No .....	No .....	3	None.	Yes.
Lord Tredegar .....	British .....	Sept. 17, 1916	Yes .....	No .....	No .....	No .....	1	None.	Yes.
Lorton .....	Peruvian .....	Feb. 5, 1917	.....	.....	Yes, and bombs.	.....	1	None.	Yes.
Luciline .....	British .....	Mar. 13, 1917	Yes .....	No .....	No .....	No .....	1	None.	No; dam- aged.
Malmanger .....	Norwegian .....	Mar. 22, 1917	Doubtful; explosion ..	Yes .....	.....	.....	1	None.	Yes.
Maloja .....	British .....	Feb. 27, 1916	No .....	No .....	No .....	No .....	1	None.	Yes.
Manchester Engineer .....	British .....	Mar. 27, 1916	Yes .....	No .....	No .....	No .....	2	None.	Yes.
Mantola .....	British .....	Feb. 8, 1917	Yes .....	No .....	Yes .....	No .....	1	1	Yes.
Margam Abbey .....	British .....	Apr. 10, 1916	No .....	No .....	Yes .....	No .....	1	None.	Yes.
Marlon .....	Norwegian .....	Apr. 6, 1917	.....	.....	Yes .....	.....	1	None.	Yes.
Mayola .....	British .....	Feb. 16, 1917	No .....	No .....	Bombs ..	Yes .....	1	1	Yes.
Mecklenburg .....	Dutch .....	Feb. 27, 1916	No .....	Yes .....	No .....	No .....	2	None.	Yes.
Medusa .....	Italian .....	Mar. 16, 1917	.....	.....	Yes, and bombs.	Yes .....	1	None.	Yes.
Memnon .....	British .....	Mar. 12, 1917	Yes .....	No .....	No .....	No .....	3	None.	Yes.
Mohacsfield .....	British .....	Jan. 13, 1917	Not stated	.....	Yes .....	Yes .....	1	None.	Yes.
Neath .....	British .....	Mar. 27, 1917	Yes .....	No .....	No .....	No .....	2	None.	Yes.
Nicosian .....	British .....	Aug. 19, 1915	No .....	No .....	Yes .....	No .....	36	None.	No.
Noordam .....	Dutch .....	Oct. —, 1914	.....	.....	.....	.....	.....	.....	.....
Norwegian .....	British .....	Mar. 13, 1917	(?)	Yes .....	No .....	No .....	1	None.	Reached.
Nyland .....	Norwegian .....	Feb. 23, 1917	.....	.....	Bombs ..	Yes .....	1	None.	Yes.

<sup>1</sup> Not known; about 40.

Name of ship.	Registry.	Date of attack
Palermo .....	Italian	Dec. 2, 1916
Paul Pair .....	British	Dec. 24, 1916
Prima Louise .....	British	Mar. 10, 1917
Queen Louise .....	British	Mar. 31, 1917
Queen Wilhelmina .....	Dutch	July 31, 1916
Ravenhill .....	Norwegian	Apr. 18, 1916
Rivierul Abbey .....	British	Sept. 28, 1917
No Tete .....	British	Mar. 1, 1917
Rosnoke .....	British	Feb. 16, 1917
Ronald Leonard .....	Norwegian	Nov. 15, 1916
Saint Ursula .....	British	Dec. 27, 1916
Sandvik .....	Norwegian	Feb. 7, 1917
Saronina .....	British	Nov. 1, 1916
Seatonia .....	British	Sept. 27, 1916
Secundo .....	British	Mar. 9, 1916
Silms .....	Norwegian	(?)
Stord .....	Norwegian	Feb. 28, 1917
Stogland .....	Swedish	Feb. 18, 1917
Sarm .....	Norwegian	Feb. 26, 1917
Snowdon Range .....	British	Mar. 28, 1917
Solbakken .....	Norwegian	Feb. 4, 1917
Southingarth .....	British	Not stated
Statho .....	British	Sept. 26, 1916
Stella del Mare .....	Italian	Aug. 29, 1916
Storen .....	Norwegian	Mar. 1, 1917
Storstad .....	Norwegian	Mar. 18, 1917
Strathabyn .....	British	Dec. 10, 1916
Strathayn .....	British	Sept. 22, 1916
Strathayn .....	British	Sept. 17, 1916
Terce Viken .....	Norwegian	Apr. 11, 1917
Theodore Fagund .....	Norwegian	Mar. 4, 1917
Thor II .....	Norwegian	Feb. 4, 1917
Tottenham .....	British	Aug. 4, 1916
Tritonlan .....	British	Feb. 26, 1917
Trunkby .....	British	Not stated
Trym .....	Norwegian	Nov. 22, 1916
Tubantia .....	Dutch	Mar. 16, 1916
Turulo .....	British	Feb. 4, 1917
Vedmore .....	British	Feb. 17, 1917
Virginia .....	British	July 17, 1917
Wallace .....	British	Feb. 7, 1917
Welsh Prince .....	British	Oct. 18, 1916
Wilfred .....	Norwegian	Mar. 18, 1917

#### 4. WARFARE BETWEEN SUBMARINES AND ARMED MERCHANT VESSELS.

*The Secretary of State to the British Ambassador.*

DEPARTMENT OF STATE,  
Washington, April 22, 1916.

SIR: Confirming my conversation with Your Excellency of some weeks ago, in regard to the instructions which the Imperial German Government states have been issued by Your Excellency's Government for the guidance of British sea captains, I have the honor to inclose alleged copies of such instructions<sup>1</sup> which have been formally transmitted to this Government by the Imperial German Government.

I have the honor to request to be informed, if there is no objection, as to whether these instructions have been issued by His Majesty's Government and whether they are now in force, and if they are not in force what instructions have subsequently been issued by the British Government to British merchantmen, and, further, whether British sea captains are bound to obey any such instructions issued to them under a penalty for neglect to do so.

I would appreciate it if Your Excellency could find it possible to furnish me with this information as promptly as possible.

I have, etc.,

ROBERT LANSING.

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*The British Ambassador to the Secretary of State.*

No. 111.]

BRITISH EMBASSY,  
Washington, April 25, 1916.

SIR: With reference to your Note of the 22d instant I have the honour to inform you that according to a telegram which I have received from Sir Edward Grey the instructions of October 20 for the guidance of British sea captains, which have been communicated to your Government contain the orders at present in force.

You will no doubt observe that the instructions contained in your note under reply were issued before the above-named date.

I have, etc.,

CECIL SPRING RICE.

<sup>1</sup> Not printed. See Special Supplement, 1916, pp. 327, *et seq.*

*The British Ambassador to the Secretary of State.*

BRITISH EMBASSY,  
Washington, April 28, 1916.

MY DEAR MR. SECRETARY:

In accordance with a request received from Mr. Woolsey, I have pleasure in sending to you herewith a copy of the Admiralty instructions for Armed Merchant Ships of October 20, 1915, which were communicated officially to Mr. Page by Sir Edward Grey and published in the press here on March 3 last. These are the instructions at present in force.

I have telegraphed to enquire whether masters of ships who disobey these instructions are liable to any penalty and shall not fail to inform you as soon as I receive a reply.

Believe me, etc.,

CAROL SPRING REX

[Inclosure.]

*Confidential.*

No. 741

**INSTRUCTIONS FOR DEFENSIVELY ARMED MERCHANT SHIPS.**

**A. THE STATUS OF ARMED MERCHANT SHIPS.**

(1) The right of the crew of a Merchant Vessel forcibly to resist visit and search, and to fight in self-defense, is well recognized in International Law, and is expressly admitted by the German Prize Regulations in an addendum issued in June, 1914, at a time when it was known that numerous merchant vessels were being armed in self-defense.

(2) The armament is supplied solely for the purpose of resisting attack by an armed vessel of the enemy. It must not be used for any other purpose whatsoever.

(3) An armed merchant vessel, therefore, must not in any circumstances interfere with or obstruct the free passage of other merchant vessels or fishing craft, whether these are friendly, neutral, or hostile.

(4) The status of a British armed merchant vessel can not be changed upon the high seas.

**B. RULES TO BE OBSERVED IN THE EXERCISE OF THE RIGHT OF SELF-DEFENSE.**

(1) The Master or Officer in command is responsible for opening and ceasing fire.

(2) Participation in armed resistance must be confined to persons acting under the orders of the Master or Officer in command.

(3) Before opening fire the British colours must be hoisted.

(4) Fire must not be opened or continued from a vessel which has stopped, hauled down her flag, or otherwise indicated her intention to surrender.

(5) The expression "armament" in these instructions includes not only cannon but also rifles and machine guns in cases where these are supplied.

(6) The ammunition used in rifles and machine guns must conform to Article 23, Hague Convention IV, 1907; that is to say, the bullets must be cased in nickel or other hard substance, and must not be split or cut in such a way as to cause them to expand or set up on striking a man. The use of explosive bullets is forbidden.

**C. CIRCUMSTANCES UNDER WHICH THE ARMAMENT SHOULD BE EMPLOYED.**

(1) The armament is supplied for the purpose of defense only, and the object of the master should be to avoid action whenever possible.

(2) Experience has shown that hostile submarines and aircraft have frequently attacked merchant vessels without warning. It is important, therefore, that craft of this description should not be allowed to approach to a short range at which a torpedo or bomb launched without notice would almost certainly take effect.

British and Allied submarines and aircraft have orders not to approach merchant vessels. Consequently it may be presumed that any submarine or aircraft which deliberately approaches or pursues a merchant vessel does so with hostile intention. In such cases fire may be opened in self-defense in order to prevent the hostile craft closing to a range at which resistance to a sudden attack with bomb or torpedo would be impossible.

(3) An armed merchant vessel proceeding to render assistance to the crew of a vessel in distress must not seek action with any hostile craft, though, if she is herself attacked while so doing, fire may be opened in self-defense.

(4) It should be remembered that the flag is no guide to nationality. German submarines and armed merchant vessels have frequently employed British, Allied, or neutral colours in order to approach undetected. Though, however, the use of disguise and false colours in order to escape capture is a legitimate ruse de guerre, its adoption by defensively armed merchant ships may easily lead to misconception. Such vessels, therefore, are forbidden to adopt any form of disguise which might cause them to be mistaken for neutral ships.

ADMIRALTY WAR STAFF,  
TRADE DIVISION,  
20th October, 1915.

*Memorandum from the British Embassy.*

BRITISH EMBASSY,  
*Washington, June 5, 1916.*

In connection with the question of the status of merchant vessels armed for purposes of defense an enquiry was made by the Department of State as to whether the British Admiralty orders to merchant captains impose any penalty in the event of a defensively armed merchant vessel failing to use such armament for aggressive purposes and whether there is any reward offered for the destruction of enemy submarines.

The British Ambassador is instructed to state in reply to this enquiry that the Admiralty instructions for defensively armed vessels, dated the 20th October, 1915, the contents of which are already known to the United States Government enjoin a strict adherence to defensive action only, and no question of the infliction of any penalty for failure to take offensive action can therefore arise. Further no defensively armed British ship has received any money award from His Majesty's Government for firing upon an enemy vessel.

CECIL SPRING RICE.

## PART V.

### PAPERS RELATING TO PASSAGE OF BRITISH TROOPS OVER AMERICAN TERRITORY.

*The British Ambassador to the Secretary of State.*

BRITISH EMBASSY,  
*Washington, December 20, 1915.*

MY DEAR MR. SECRETARY:

I am informed by the Attorney in this city for the Canadian Pacific Railway that a question has arisen as to whether certain classes of Canadian soldiers could be permitted to pass through the State of Maine from Vanceboro to Lowelltown on their way from St. John, New Brunswick, to points in Canada, the route through United States territory being, as you are no doubt aware, that usually taken by passengers arriving from England.

It appears that the Canadian authorities have arranged that soldiers returning from Europe who are, whether owing to wounds or otherwise, unfit for further service, shall be examined and discharged at Liverpool before embarking for Canada. They are then sent forward in parties to their homes in Canada, and, though they are during the voyage still wearing their service uniforms, they of course no longer form part of any military unit and cannot be called upon for service without further enlistment. The men thus returning to Canada would not carry arms, and I should be grateful if you could inform me whether there would be any objection to their passing through United States territory as above described.

Another class of men whom it is desired to send, if possible, over the short route are men, wearing uniform, who are returning to their homes on furlough, or after being invalided for convalescence. Men of this description would travel as individuals, not as parties. It would be a great convenience for these men if they were permitted to travel through the State of Maine instead of taking the longer alter-



native route, and I should be grateful if you could also favour me with your views on this point.

I am, etc.,

(For the Ambassador.)

COLVILLE BARCLAY.

*The Secretary of State to the British Ambassador.*

DEPARTMENT OF STATE,  
Washington, December 23, 1915.

MY DEAR MR. AMBASSADOR:

In reply to your note of the 20th instant in regard to the passage over American territory, by way of the Canadian Pacific Railway, of certain classes of Canadian soldiers returning from Europe, I regret to say that in the view of my Government the transportation of either the class of discharged soldiers wearing their service uniforms, though no longer forming a part of any military unit, or the class of invalided soldiers returning on furlough, though traveling as individuals, should not be allowed over American territory on account of the embarrassment which almost surely would follow if such passage were permitted.

In conveying these views to you I am not insensible of the convenience to the Canadian Government which would result from a free passage of such soldiers over the Canadian Pacific Railway through the State of Maine, but, on the other hand, it is evident that all Canadian troops, sick, wounded, and discharged, can easily be repatriated without entering any other than Canadian jurisdiction.

I am, etc.,

ROBERT LANSING.



## PART VI.

### DISPLAY BY NAVAL VESSELS OF DISTINGUISHING MARKS ON THE HIGH SEAS.

*The German Ambassador to the Secretary of State.*

[Translation.]

J. No. A. 7824.]

GERMAN EMBASSY,  
*Washington, Dec. 1, 1915.*

MR. SECRETARY OF STATE:

By direction of my Government I have the honor to ask of Your Excellency that orders be issued to the Commanding officers of American Warships in the Mediterranean to display the national flag so that it can be clearly seen by day and to keep the ship and flag sufficiently lighted by night, in order to avoid their being mistaken for warships of the States at war with the Central Powers.

The Imperial Government has the honor to offer this suggestion with a view to preventing error in submarine attacks.

Accept, etc.,

(For the Imperial Ambassador:)

PRINZ HATZFELDT.

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*The Secretary of State to the German Ambassador.*

No. 1692.]

DEPARTMENT OF STATE,  
*December 10, 1915.*

EXCELLENCY:

Referring to Your Excellency's Note of December 1, 1915 (No. A. 7824), in which you ask, by direction of your Government, that orders be issued to the commanding officers of American warships in the Mediterranean to display the national flag so that it can be clearly seen by day and to keep the ship and flag sufficiently lighted by night,

in order that the vessels of this Government may not be mistaken for warships of the States at war with the Central Powers, I have the honor to transmit herewith a copy of a communication dated December 10, 1915, from the Secretary of the Navy, indicating the reasons why the Navy Department must decline to issue the orders as suggested by the Imperial Government.

The substance of the Secretary of the Navy's letter has been transmitted to the American Ambassador at Berlin by telegraph for communication to the Imperial Foreign Office.

Accept, etc.,

ROBERT LANSING.

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[Inclosure.]

*The Secretary of the Navy to the Secretary of State.*

NAVY DEPARTMENT,  
Washington, December 10, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of December 8, 1915, transmitting a copy in translation of a note dated December 1, 1915, from the German Ambassador at this capital, asking that orders be issued to the commanding officers of American war vessels in the Mediterranean to display the national flag so that it can be clearly seen by day and to keep the ship and flag sufficiently illuminated at night, in order that the vessels of this Government may not be mistaken for the warships of the states at war with the Central Powers. It is further noted from the inclosure that the German Government offers this suggestion with a view to preventing error in submarine attacks.

The distinguishing marks and lights to be carried by men-of-war on the high seas are prescribed by international agreement as embodied in the statute law of the United States in regulations for preventing collisions at sea. These rules do not require the display of colors by day when not in sight of other vessels nor do they require the display of colors at night nor the illumination of the ship and colors at night.

Within territorial waters or blockaded areas this Department concedes the right of a foreign government to require the use of special distinguishing lights or signals, and in fact such local regulations are provided for by the international rules above mentioned.

On the high seas, however, no nation has a right to prescribe or suggest rules for the conduct of the vessels of other nations, and the responsibility for preventing attacks on innocent vessels under the circumstances suggested by the German Government must rest with

the belligerent nation concerned and not with the neutral nation whose flag the ship may fly.

This Department considers that the entering into of an arrangement with one or more belligerents, not provided for by international agreement, would be a most dangerous and inexpedient procedure.

In view of the above, this Department must decline to issue the orders requested by the German Ambassador to the commanding officers of American war vessels in the Mediterranean and must continue to consider that the German Government is wholly and fully responsible for the prevention of unintentional attacks by its naval forces on the vessels of the United States.

Very sincerely, yours,

JOSEPHUS DANIELS.

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*Ambassador Gerard to the Secretary of State.*

No. 2298.]

AMERICAN EMBASSY,  
*Berlin, January 24, 1916.*

SIR: With reference to the Department's telegram No. 2491,<sup>1</sup> of December 10, 1915, 5 p. m., regarding certain suggestions or instructions on the part of the German Government, applying to American ships of war in the Mediterranean, which were brought to your attention by the German Ambassador in Washington, I have the honor to inform you that I did not fail to bring the contents of the Department's telegram to the attention of the Imperial Secretary of State for Foreign Affairs on December 14, last, and that I am now in receipt of his reply, a copy in translation of which I inclose herewith. A résumé, of this Note has to-day been cabled to the Department in the Embassy's telegram 3386.

I have, etc.,

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JAMES W. GERARD.

[Inclosure—Translation.]

*The German Minister for Foreign Affairs to Ambassador Gerard.*

No. A. 760.]

FOREIGN OFFICE,  
*Berlin, January 19, 1916.*

The undersigned has the honor to reply as follows to the esteemed note of His Excellency, the American Ambassador, Mr. Gerard, of December 14, 1915, F. O. No. 6821:

<sup>1</sup> Not printed.

If the Imperial Government proposed to the Government of the United States that the American warships in the Mediterranean be instructed to fly their national flags clearly visible during the day, and to provide sufficient illumination of vessel and flag at night, this merely represented a friendly *suggestion*, as is self-evident from the nature of the matter. It was by no means the intention of the Imperial Government to wish to issue *instructions* to the American Government in this regard. This suggestion had for its object in the first place to serve the interest of the American Government, but by no means to infringe upon its rights, as the American marine authorities erroneously appear to assume.

The Imperial Government is moreover not in the position to accept the point of view of the American marine authorities; that no state has a right to give friendly advice to another state. According to the conception of the Imperial Government, a belligerent power not only has the right, but even the duty to warn a neutral of dangers which may possibly menace him, in case he should get into unintended danger through operations of war about to take place.

In its reply of December 14, 1915, the American Government bases its point of view solely on formal instructions. In the opinion of the Imperial Government, the American Government does not sufficiently take into account the fact that these instructions were principally intended to safeguard shipping in normal times; that is, in times of peace. The particular requirements of war hardly render the appeal of a neutral power to such instructions permissible, if the one-sided disadvantage of one of the belligerents is thereby caused.

Even though no *explicit* regulations exist with regard to the German suggestion, the German Government would like to point out in this connection that it was the American Government itself, which appealed on several occasions to the general principles of the right of neutrality. According to these, the neutral state is in duty bound, not intentionally to place difficulties in the way of the military operations of one of the belligerents, unless its own justified interests are violated. The point of view taken by the American Government would logically lead to the result that even in times of war, American warships, in appealing to the right valid in times of peace of free transit on the high seas, could demand unhindered passage between two battling warships.

The foregoing considerations and urgent military interests, especially the exigencies of submarine warfare, concerning which the American Government itself admitted in the note of July 23, 1915, F. O. No. 4376, that it was prepared to take its special conditions into account, render it impossible for the Imperial Government, to its sincere regret, to accept the American point of view, which in case of a sinking of a vessel, wishes to place the blame solely and entirely on the German naval forces.

The Imperial Government cherishes the hope that the American Government, upon subjecting the German suggestion to a new and well-wishing examination, will not refrain from listening to the above arguments.

While requesting him to bring the foregoing to the attention of the American Government, the undersigned avails himself of this opportunity to renew to His Excellency, the Ambassador, the assurance of his highest consideration.

V. JAGOW.

## PART VII.

### CAN PRISONERS OF WAR TAKEN TO GERMANY ON GERMAN PRIZE SHIP *YARROWDALE*.

*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase—Extract.]

No. 4909.]

AMERICAN EMBASSY,  
*Berlin, January 19, 1917.*

Mr. Gerard reports that the evening papers say that the English  
mer *Yarrowdale* has been brought to Swinemunde as a prize,  
g on board 469 prisoners taken from ships which had been  
tured by German auxiliary cruisers, among whom were 103  
itala. and of this latter number those taken on board enemy armed  
who had accepted pay on such ships would be held as  
of war.

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*The Secretary of State to Ambassador Gerard.*

[Telegram—Paraphrase.]

No. 3809.]

DEPARTMENT OF STATE,  
*Washington, January 22, 1917.*

Mr. Lansing instructs Mr. Gerard to telegraph him at once if  
there were any American citizens among the prisoners brought by  
the *Yarrowdale* to Swinemunde, and if there were, to also give him  
their names and American addresses.

*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

No. 4919.]

AMERICAN EMBASSY,  
*Berlin, January 24, 1917.*

Mr. Gerard, referring to the Department's instructions numbered 3809, dated January 22, reports that he had sent a note to the German Foreign Office on the 20th of January, asking information as to whether there were any Americans among the prisoners brought to Swinemunde. No answer having been received, he was sending another note that day.

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*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

No. 4929.]

AMERICAN EMBASSY,  
*Berlin, January 26, 1917.*

Mr. Gerard reports that a correspondent there had ascertained on the day before from an Under Secretary of State that there were some Americans among the 107 neutrals brought by the *Yarrowdale* to Swinemunde, and also that there was an acrimonious divergence of opinion as to what position the Government should assume regarding them. He also says he had sent notes to the German Foreign Office asking information as to whether there were any Americans among those prisoners on January 20th, 24th, 25th, and the 26th, but had received no answer.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

No. 4949.]

AMERICAN EMBASSY,  
*Berlin, January 30, 1917.*

Following note received from Foreign Office to-day. Please note that although it refers to my note of twenty-fifth, my first note regarding this subject was written on subject of Turkey.



Foreign Office, Berlin, January 28, 1917. The undersigned has the honor to inform his excellency, Mr. James W. Gerard, Ambassador of the United States of America, in reply to the esteemed note of the twenty-sixth instant, Foreign Office number 16102, that in pursuance of information furnished by the Imperial Navy, there are a number of American citizens among the crews of the sunk armed English merchantmen *Voltaire*, *Mount Temple*, and *Georgic* brought to Swinemunde with the prize *Yarrowdale* and thereupon taken away as prisoners of war. In order to ascertain the names of the Americans it is necessary to examine the lists of the crews; these lists have been requested; unfortunately they are not at present in Berlin but elsewhere; in the hands of certain military authorities.

Undersigned will send further advice at an early date and the undersigned avail himself of this occasion et cetera.

STUMM.

GERARD.

*Ambassador Gerard to the Secretary of State.*

[Telegram.]

No. 4978.]

AMERICAN EMBASSY,

*Berlin, February 1, 1917.*

Foreign Office has sent me following names of persons from crews of destroyed armed English merchant ships *Georgic*, *Mount Temple*, and *Voltaire*, who claim to be American citizens; all except the two doctors Snyder and Davis and two veterinaries Zabriskie and McKim are in prison camp at Duellmen in Westfalen; the doctors and veterinaries will probably be taken to-morrow to the temporary camp at Karlsruhe. Names and places of residence follow: Steamer *Georgic*, Harry Middleton, Toledo; William Hutchins, New York; John Brady, John McCarthy, Harry Hynes, Peter Gallagher, all of New York; Walter Moffat, Brooklyn; Dr. John Davis, Columbus, Mississippi; Evans Orville McKim, William Brown, both of New York; Walter Aberle, Edward Brennan, both of Brooklyn; Albert Depew, New York; Arthur Thimme, William Kenedy, both of Brooklyn; Frank Daly, Indianapolis; Edward Roche, New York; Heins Rein, Idaho; Joseph Sigismonde, New York; John Nyberg, Jersey City; Harry La Vere, New York; Francis Sulley West, New York; Albert Feroli, John Carlo, Edward Mallon, John Marco, Dun Goodwin, Arthur Field, John Smith, all of New York; Arthur Gilmore, Providence;

Frank Taylor, John Hartly, William Adams, all of Brooklyn; Louis Hitchmough, Jersey; Joseph Blacke, Brooklyn; Charles Ogran, James Sims, Martin Connolly, all of New York; John McCarthy, New Bedford; Nill McKellar, Watertown; John Hutchinson, Newton; Evans Williams, New York; Keemes Madigans, Brooklyn; Edward Clark, of Dallas; Frank McHughes, Pat Shea, Thomas McFarren, all of New York; James Parker, New Jersey; John Allen, New York; Vinciah Edge, New Bedford; Thomas Martin, Brooklyn; Charles Scott, New York; John O. Bourle, New Jersey; Richard Donnolip, New York; John Ryan, New York; George Fields, Philadelphia.

Steamer *Mount Temple*: Veterinary Zabriskie, Englewood, New Jersey; McGreal, Boston; John Glemann, Cambridge, Massachusetts; Harry Gilmore, Minnesota; Raymond Gilbert, Farmington, New Hampshire; Harald Hinkley, Kennebeck.

Steamer *Voltaire*: Doctor Henry Snyder, Norfolk, Virginia; David Harrington.

GERARD.

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*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

No. 4992.]

AMERICAN EMBASSY,  
*Berlin, February 4, 1917.*

Mr. Gerard reports that he had just been informed by Count Montgelas of the Foreign Office that the American prisoners taken on the *Yarrowdale* would be at once released for the reason that they could not have known at the date of sailing that it was the intention of Germany to regard and treat armed merchantmen as war ships.

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*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*London, February 5, 1917.*

Charles David Green and Charles Quinn, both American citizens, residing Sailors Home, 25 South Street, New York, arrived in London

having been sailors on British *Yarrowdale*, captured, taken prisoners in Germany with eighty-five other American citizens. The two men released not permitted to bring with them full list other Americans. Others still detained on ground that their ships were armed.

SKINNER.

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*Consul General Skinner to the Secretary of State.*

No. 3650.]

AMERICAN CONSULATE GENERAL,  
London, February 6, 1917.

SIR: Referring to my telegram of February 5, briefly stating that two members of the crew of the British S. S. *Yarrowdale* had arrived in London and 85 American citizens were held as prisoners of war in Germany, I have the honor to inclose herewith a copy of a declaration made in my presence by Charles David Green and Charles Quinn.

I have, etc.,

ROBERT P. SKINNER.

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[Inclosure.]

LONDON, February 5, 1917.

Charles David Green, age 49, born at San Francisco, and now residing at 25 South Street, New York, and Charles Quinn, age 44, born at Los Angeles, and now residing at 25 South Street, New York, being first sworn, declare that they left New York on December 4, 1916, as seamen in the British ship *Yarrowdale* bound for Havre with a cargo of automobiles, machine guns, and the like. All went well until December 11, 1916, at 8.30 a. m., when a German raider called the *Vizen* (or so called as they learned later, in Germany) appeared above the horizon and captured the *Yarrowdale*. The *Vizen* crossed their bow and came under their stern, and being then on their star-board quarter, dropped her bulwarks and fired one blank shot. The *Yarrowdale* stopped and all hands were ordered to clear away the boats, but later, on an order from the raider, the boats were not lowered to the water. An officer came on board, went into the chart room and subsequently two boat loads of men came from the raider who took charge of the ship. The captain of the *Yarrowdale* was sent on board the *Vizen* a prisoner, and the prize crew navigated the British ship with all hands on board.

The *Yarrowdale*, accompanied by the raider, proceeded until 8 a. m. on the following day, when the *Vizen* left but returned in the

evening accompanied by the *St. Theodore*. The three ships passed the night in sight of each other. On the Wednesday, December 13th, the crews of the following captured ships, *Duchess of Cornwall* (schooner), *Voltaire*, *Mount Temple*, *King George*, *Georgic*, *Cambrian Range*, *Hellighorge* (Norwegian), were placed in the *Yarrowdale*—469 all told, including 87 American citizens. The men of the *St. Theodore* did not come aboard the *Yarrowdale*. Ten Arab firemen from the *Yarrowdale* were removed to the raider. The *Yarrowdale* started north on the following day (December 14th) and by following a route just south of Iceland and the territorial waters of Norway, next struck for Skagen (Norway) then proceeded in Danish waters until Swedish waters were reached. Thence the ship went to Swinemunde without special incident.

At Swinemunde all hands left the *Yarrowdale*, remaining there until January 5th, when they went to Neu Strelitz, remaining there until January 27th. They had only the clothes on their backs, little food, and poor accommodation. Members of the three crews walked about on their bare feet in the snow at Neu Strelitz. On January 27th, 26 neutral sailors, including themselves, were placed in a train and were sent to Copenhagen. At Copenhagen they were taken in charge by the British authorities and were landed at Hull on February 2d. They reached London on February 5th, and came upon the American Consulate General in distress.

The day before the affiants left Neu Strelitz the 85 other American citizens were sent to another camp reported to be on the Rhine. It was stated to them by a German official that the 85 other Americans, having been taken from armed ships, would be treated the same as British prisoners of war. These prisoners wrote to the American authorities in Germany, but received no reply. The affiants had the names of the American prisoners but these were taken from them by the German officers when they left Germany. They were not allowed even to take with them the addresses of a number of wives of prisoners. Three British subjects were killed in the course of the action between the raider and the *King George*.

The raider bore no name, but was known in Germany as the *Vixen*. She carried a crew of 200 men or thereabouts. Her armament consisted of seven 6-inch guns, four torpedo tubes, two machine guns, and two guns, larger than 6 inch but shorter. They were kept under canvas and seemed to be 10-inch mortars.

C. D. GREEN,  
CHARLES QUINN.

Signed and sworn to before me this 5th day of February, 1917,  
in the county of London, England.

ROBERT P. SKINNER,  
*American Consul General.*

*The Minister of Switzerland, in charge of German interests in America, to the Secretary of State.*

LEGATION OF SWITZERLAND,  
Washington, February 12, 1917.

SIR: Upon cable instructions from my Government, dated February 11th, I have the honor to transmit to the American Government the following communication from the German Government:

The immediate release of about 70 Americans, brought in as prisoners of war by the steamer *Yarrowdale* is conditional to the German vessels in American waters not being seized and their crews not being interned.

Accept, etc.,

P. RITZER.

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*Ambassador Willard to the Secretary of State.*

[Telegram—Paraphrase.]

No. 355.]

AMERICAN EMBASSY,  
Madrid, February 17, 1917.

Mr. Willard reports that the Spanish Minister for Foreign Affairs had told him that the German Minister for Foreign Affairs had informed the Spanish Ambassador at Berlin that the American prisoners brought in by the *Yarrowdale* and such other nonbelligerents would be set at liberty within a very short time.

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*The Secretary of State to Ambassador Willard.*

[Telegram—Paraphrase.]

No. 269.]

DEPARTMENT OF STATE,  
Washington, February 20, 1917.

Ambassador Willard is directed to transmit the following to the Spanish Ambassador at Berlin through the Spanish Foreign Office.

If *Yarrowdale* prisoners have not been released please make a formal demand in the name of the United States for their immediate release. If they are not promptly released and allowed to cross the

frontier without further delay, please state to the Foreign Minister that this policy of the Imperial Government, if continued apparently without the slightest justification, will oblige the Government of the United States to consider what measures it may be necessary to take in order to obtain satisfaction for the continued detention of these innocent American citizens.

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*Ambassador Willard to the Secretary of State.*

[Telegram—Paraphrase.]

No. 370.]

AMERICAN EMBASSY,  
*Madrid, February 25, 1917.*

Mr. Willard refers to the Department's instructions, number 269, dated February 20, and reports that he has just been informed by the Foreign Office that the *Yarrowdale* prisoners had been released on the 16th.

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*The Secretary of State to Ambassador Willard.*

[Telegram—Paraphrase.]

No. 290.]

DEPARTMENT OF STATE,  
*Washington, February 27, 1917.*

Mr. Lansing, noting the Embassy's dispatch numbered 370, dated February 25th, gives instructions that the Foreign Office be requested to instruct the Spanish Ambassador at Berlin to at once telegraph the Department a full report as regards the *Yarrowdale* prisoners: why they were held, why not sooner liberated, their present whereabouts, and, if then in Germany, whether or not arrangements for their departure were being facilitated. Mr. Lansing impresses upon the Embassy that the above mentioned matters, as well as that of the departure from Germany of other Americans, were of serious concern to the United States Government.

*Ambassador Willard to the Secretary of State.*

[Telegram—Paraphrase.]

No. 886.]

AMERICAN EMBASSY,  
*Madrid, March 2, 1917.*

Mr. Willard, referring to the Department's instructions numbered 290 and 291, dated February 27, reports having received a telegram from the Spanish Ambassador at Berlin on March 1st which confirmed the report that the *Yarrowdale* prisoners had been released on February 16th and were making preparations to leave Germany when an English member of the crew contracted typhus. Thereupon the German Government was compelled to quarantine them at Brandenburg and take additional sanitary precautions. The disease having attacked no other members of the party they could probably leave by Switzerland on March 7th.

The Spanish Ambassador also said that the German Minister for Foreign Affairs regretted the delay and had requested that a Spanish physician be sent to verify the truth of the above facts. The Spanish Ambassador had accordingly ordered doctors to go to Brandenburg and to make prompt report thereon, which report he would transmit at once.

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*The Minister of Switzerland in charge of German Interests in America  
to the Secretary of State.*LEGATION OF SWITZERLAND,  
*Washington, March 2, 1917.*

SIR: Referring to my note of February 12, 1917, I am instructed and have the honor to communicate to your Excellency the following cable, dated March 1, 1917, from the German Government:

The transfer already arranged of American sailors from *Yarrowdale* to the frontier has not as yet been possible because one of the British sailors in camp of Brandenburg, likewise from *Yarrowdale*, and interned with American sailors, was found to be suffering from typhus exanthematicus. Their transfer to Swiss frontier will probably take place March seventh when quarantine comes to an end. Spanish Embassy, Berlin, has been invited to have doctor of confi-

dence visit the Americans. This afternoon, two veterinaries and two doctors from the *Yarrowdale*, who were in officer prisoner camp at Karlsruhe, arrived at Warnemuende for departure to Denmark.

Accept, etc.,

P. RITTER.

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*Minister Egan to the Secretary of State.*

[Telegram—Paraphrase—Extract.]

No. 481.]

AMERICAN LEGATION,  
March 3, 1917.

Mr. Egan reports that there arrived in Copenhagen on the first instant four American medical officers who were released from the prison camp at Karlsruhe, Germany, on February 27, brought to the frontier of Denmark and placed in charge of Danish authorities who sent them to Copenhagen. Dr. H. D. Snyder, of Norfolk, Va., signed on Lamport and Holt liner *Voltaire* at Liverpool November fifteenth. The *Voltaire* was captured on December 2 by a German ship supposed to be the *Puma*, a converted fruit vessel. Other ships captured between the second and twelfth of December are as follows: *Duchess of Cornwall*, sailing vessel from St. Johns, Newfoundland; *Genitor*, White Star Line from Philadelphia; *Halbyrg*, Norwegian steamer from New York; *King George* from New York; *Cambrian Range* from Philadelphia; *Mount Temple* from Montreal; *Saint Theodore* and the *Yarrowdale*. Four hundred and eighty-three sailors and officers were captured, all of whom were treated as prisoners and were transferred from the *Puma* to the *Yarrowdale* on the 13th. The *Yarrowdale* arrived at Swinemunde on the 31st. The sailors were placed in a brick shed, and the officers were taken to other barracks. Eight captains, one English officer and Dr. Snyder were taken to the Neustrelitz prison camp. With the exception of Dr. Davis, the English surgeon, and Dr. Snyder, who were sent to hospital, the men were put in frame sheds. On January 25 the men were sent to Dulmen and on February 5 the officers were sent to Karlsruhe. On February 10 the first interview was had with Major Schoenbeck, the commander of the camp, it being the first hearing of any kind that they were able to obtain. They were released on February 27 and sent to Warnemuende where they were delivered to the Danish police. They have



had no word from the men since they left on January 25. On January 27 all other neutrals were released, including four American, two negro, one unknown white, and one white named Green. All are without money and clothing and all desire an immediate return to the United States.

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*Ambassador Willard to the Secretary of State.*

[Telegram—Paraphrase.]

No. 399.]

AMERICAN EMBASSY,  
*Madrid, March 7, 1917.*

Mr. Willard states that it is reported by the Spanish Ambassador at Berlin that the *Yarrowdale* prisoners at Brandenburg were visited by the Spanish Embassy doctor on the first instant. The doctor approved of the quarantine and stated that conditions were as reported by German officials. The case of typhus occurred on the twentieth of February and unless new cases occur the quarantine will end on the seventh of March. The doctor further stated that the men had no complaint to make other than of diet and were glad to learn of their approaching release. Only five of the fifty-seven Americans were in the hospital, these suffering from slight colds, and five men of other nationalities are under medical observation.

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*Ambassador Willard to the Secretary of State.*

[Telegram—Paraphrase.]

No. 408.]

AMERICAN EMBASSY.  
*Madrid, March 12, 1917.*

Mr. Willard reports that it is stated by the Spanish Ambassador at Berlin that fifty-nine Americans of the *Yarrowdale* detained at Brandenburg left Germany via Sweden on March eighth and one other from another camp was also released.

*Minister Stovall to the Secretary of State.*

[Telegram—Paraphrase.]

No. 636.]

AMERICAN LEGATION,  
*Berne, March 12, 1917.*

American prisoners from *Yarrowdale*, to the number of 59, arrived in Zurich yesterday.

STOVALL.

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*Minister Stovall to the Secretary of State.*

[Telegram—Paraphrase.]

No. 650.]

AMERICAN LEGATION,  
*Berne, March 16, 1917.*

Mr. Stovall informs the Department of the receipt of a report from the Consul General at Zurich that no complaint was made by the men of the *Yarrowdale* of their treatment while on the high seas or in camp near Swindemunde which was their first camp. They were first transferred to Brandenburg about January 10, where, according to their statement, their treatment by the officers was very harsh. It was impossible for them to keep warm. They were kept standing in the cold and snow. Their food consisted, after one cup of coffee in the morning, mostly of boiled, frosted cabbage; once a week beans; and once a week mush. The only sickness they mentioned from which they suffered was one case of lumbago. They knew nothing of any cases of contagious diseases.

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*Minister Stovall to the Secretary of State.*

[Telegram—Paraphrase.]

No. 656.]

AMERICAN LEGATION,  
*Berne, March 18, 1917.*

Mr. Stovall reports having personally conversed with the crews on board the *Yarrowdale* as to the treatment received by them and submits the following supplementary report:

The most cruel and heartless treatment was accorded the shipwrecked American sailors from the moment of their arrival in Ger-

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January 3d. The weather was very cold and they were given no clothes. There was an entire insufficiency of the usual prison food. The statement was made by M. J. Connolly belonging to the crew of the steamship *Georgic* that a German officer had, without provocation, severely kicked him in the abdomen. This assault was making Connolly severely suffering. The arm of Albert Depew, New York, was in a bandage. This was due to a wound inflicted by shrapnel shot by the Germans at an open boat in which, after the sinking of the *Georgic*, he and his comrades had taken refuge. Statements were made by all of the men that so inhuman has been their treatment that, in case during their voyage home a submarine was sighted, they would prefer immediate drowning rather than any further experience with the German prison camps.

This inhuman treatment was inflicted upon these seamen a month before relations were broken between the United States and Germany. With the most cordial friendship for America was professed by the German people.

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*Ambassador Willard to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
Madrid, March 18, 1917.

Harlington last American citizen of *Yarrowdale* prisoners left for Denmark by *Warnemunde*, 13th instant.

WILLARD.

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*Consul General Hurst to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
Barcelona, April 28, 1917.

Remaining twenty-six members of *Yarrowdale* crew sailed from Barcelona yesterday on steamer *Alicante* of Spanish Line, due New York about May fourteenth. Also sailed on same steamer the eight officers of American steamer *Seward*, capture of which reported my telegram to Department April tenth, captain remaining Barcelona with crew.

## PART VIII.

### DEPORTATION OF CIVILIANS FROM BELGIUM.

*Chargé Grew to the Secretary of State.*

[Telegram—Paraphrase—Extract.]

No. 4452.]

AMERICAN EMBASSY,  
*Berlin, October 10, 1916.*

Mr. Grew reports that he has received from Minister Whitlock at Brussels copies of letters from the President of the Comité National de Secours et d'Alimentation of Brussels together with copies of orders in proof of the statements contained in the letters to the effect that complete lists of all workmen who are unemployed and who receive aid in the district (étape) have been demanded from the presidents of the local committees by the German military authorities, and that presidents were imprisoned if they refused to furnish the lists demanded. The President states that the object is to send such unemployed to Germany as laborers for military purposes. That men are forced to labor is proved by letters attached.<sup>1</sup>

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*The Acting Secretary of State to Chargé Grew.*

[Telegram—Paraphrase.]

No. 3497.]

DEPARTMENT OF STATE,  
*Washington, October 19, 1916.*

Mr. Polk states that if Mr. Grew should deem it advisable he may draw to the Foreign Minister's attention informally and orally the action of the German military authorities in Belgium and its object as alleged.

<sup>1</sup> Not printed.

*Chargé Grew to the Secretary of State.*

[Telegram—Paraphrase.]

No. 4511.]

AMERICAN EMBASSY,  
*Berlin, October 23, 1916.*

Mr. Grew reports that he has brought informally and orally to the attention of the Under Secretary of State for Foreign Affairs the question of the Belgian laborers. The Under Secretary has promised to investigate the matter at once and to inform Mr. Grew of the result.

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*Chargé Grew to the Secretary of State.*

[Telegram—Paraphrase—Extract.]

No. 4535.]

AMERICAN EMBASSY,  
*Berlin, October 27, 1916.*

Mr. Grew states that he sought a further interview with the German Under Secretary for Foreign Affairs at which he told that official, informally and orally, that he understood the policy had been definitely determined upon by the military government in Belgium of enforcing labor on Belgian citizens, and that many of them would be transported to Germany to be put to work in various industries, in this way releasing German workmen to go to the front. A memorandum was handed to Mr. Grew by the Under Secretary which states that compulsory measures are to be adopted against the Belgian unemployed who are a burden to charity so that friction arising therefrom may be avoided. These measures are designed to make them work, so far as the men are not inclined voluntarily to work. Mr. Grew reports that he pointed out that this decision, as it involved a definite breach of international law, undoubtedly would make a very bad impression abroad.

*The Secretary of State to Chargé Grew.*

[Telegram—Paraphrase.]

No. 3539.]

DEPARTMENT OF STATE,  
*Washington, November 2, 1916.*

Mr. Lansing states that in view of the serious consequences that may follow as a result of the proposed policy in Belgium, apart from any humanitarian considerations, Mr. Grew is authorized to make request for an interview with the Chancellor. The extent to which his informal representations with the Chancellor should go is left to the discretion of Mr. Grew, who must be guided by the general attitude of the Chancellor and by circumstances. Mr. Grew should, however, point out the unfortunate impression which would be created by the proposed policy in neutral countries, and especially in the United States, which country has very much at heart the welfare of the Belgian civil population.

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*The Secretary of State to Chargé Grew.*

[Telegram—Paraphrase—Extract.]

DEPARTMENT OF STATE,  
*Washington, November 29, 1916.*

Mr. Grew is directed to obtain an interview with the German Chancellor as soon as possible and repeat to him the following:

The Government of the United States has learned with the greatest concern and regret of the policy of the German Government to deport from Belgium a portion of the civilian population for the purpose of forcing them to labor in Germany, and is constrained to protest in a friendly spirit but most solemnly against this action, which is in contravention of all precedent and of those humane principles of international practice which have long been accepted and followed by civilized nations in their treatment of noncombatants in conquered territory. Furthermore, the Government of the United States is convinced that the effect of this policy, if pursued, will in all probability be fatal to the Belgian relief work, so humanely planned and so successfully carried out, a result which would be generally deplored and which, it is assumed, would seriously embarrass the German Government.

*Chargé Grew to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
Berlin, December 11, 1916.

Mr. Grew states that he has received from the Secretary of State for Foreign Affairs the German Government's reply to the formal representations of the United States Government concerning the deportation of Belgians, the translation of which reply is as follows:

The Government of the United States has protested against the deportation of Belgian laborers to Germany and against their being compelled to work, proceeding from the view that these measures are incompatible with the principles of humanity and international usage as to the treatment of the population of occupied territory.

The German Government believes that the Government of the United States of America is not correctly informed as to the reason for these measures, the manner in which they are carried out, and therefore considers it appropriate first of all to explain the true state of affairs.

In Belgium unemployment has been spreading for some time among the industrial laborers in an alarming manner. This great increase in the unemployed is attributable to the blockade policy which has cut off the importation of raw materials for the Belgian industries and the exportation of their manufactures and thus caused the greatest part of the plants to shut down. As a result nearly half of the Belgian factory laborers, whose total number is about one million two hundred thousand, were completely deprived of occupations and a great many more than half a million Belgians who formerly earned their living by work in industries made dependent on public relief; this number is nearly triple when the families are added, making approximately one and one-half million people. Such a state of affairs made a radical remedy most urgently necessary, whether from the point of view of Belgian political economy, for which the unemployed form an insupportable burden, or from the point of view of public order and morals, which are gravely imperiled by the general lack of employment and its attendant features. This necessity has long been recognized and emphasized by discerning Belgians also.

In view of this situation the governor general at Brussels issued an ordinance on May 15, 1916, whereby persons enjoying public relief who decline, without sufficient reason to take up or continue work corresponding to their capacity are threatened with imprisonment or compulsory labor. In consequence of the prostration of the Belgian

industries it was not possible to furnish all the unemployed with an opportunity to work or at least some suitable occupation in Belgium itself. There was no choice but to assign them work in Germany, where a large number of Belgian laborers are voluntarily employed already and feel themselves quite well (. . .)<sup>1</sup>, the wages being high and personal liberty very extended. Compulsory labor is enforced against those unemployed who do not follow their example.

This measure is completely in accordance with international law. For, pursuant to Article 43 of The Hague Land War Ordinance, the occupying power shall take steps to insure public order and safety in the occupied territory and to this end intervene with supplementary ordinances wherever the laws in force in the country do not suffice. It undoubtedly comes under the head of the maintenance of public order to have those capable to work made to work if possible and not permitted to become a burden on public charity and form a national pest on account of their idleness.

In carrying out the measure hardships have been avoided and all possible consideration shown. If isolated mistakes have been made in selecting the persons taken to Germany, and, in particular, people may have been included to whom the conditions of the ordinance of May 15, 1916, do not apply, this is to be connected to the fact that the Belgian authorities frequently refused their aid in drawing up the lists of the unemployed or made false statements. Care has been taken that such mistakes shall be remedied as soon as possible. For the principle that only such persons shall be deported to Germany as receive public relief, find no work in Belgium, and refuse the work assigned to them in Germany is adhered to with all possible firmness.

The unemployed deported to Germany are taken from the concentration points established at Altengrabow, Guben, Kassel, Meschede, Muenster, Soltan, and Wittenberg to the places of labor where they are employed in agricultural and industrial plants. As a matter of course, work which a hostile population can not by international law be compelled to perform is excluded. If the American Government attaches importance thereto permission will gladly be granted to a representative of the Embassy here to inform himself by a personal visit as to the condition in which the people are living.

The German Government regrets the fact that the circumstances set forth above have plainly been completely misrepresented in the United States of America through the mendacious press agitation of Germany's enemies. It would greatly deplore it, not the least so in the interest of the Belgian population, if the beneficent work of the relief commission should be impaired in any way as a result of these misrepresentations.

In conclusion, and the German Government can not refrain from pointing out the fact that the removal of the German population from

<sup>1</sup> Apparent omission.



the parts of Germany and its colonies occupied by enemy troops, especially the dragging of women, children, and old men from East Prussia to Siberia, did not, so far as is known here, afford the neutral countries any occasion to take steps with the Governments concerned similar to those that they have now taken toward Germany. And yet it is susceptible of no doubt that these latter measures constitute a gross violation of the laws of humanity and the rules of international law, whereas the German measures are quite in accordance with those principles according to what has been set forth above.

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*Chargé Grew to the Secretary of State.*

[Telegram.]

No. 4756.]

AMERICAN EMBASSY,  
*Berlin, December 20, 1916.*

Following note received from Foreign Office, dated December 18th:

The Foreign Office has the honor to inform the Embassy of the United States of America with reference to the memorandum regarding the deportation of Belgian workmen to Germany, that owing to a number of complaints which have been raised by Belgian workmen on account of their transportation to Germany, three hundred and twenty-six of such workmen have up to the present been sent back to Belgium as not coming under the rules of the order of the Governor General in Belgium, dated May 15, 1916. The remainder of the complaints shall be investigated with all possible expedition.

GREW.

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*Chargé Grew to the Secretary of State.*

No. 4913.]

AMERICAN EMBASSY,  
*Berlin, December 21, 1916.*

SIR: With reference to my telegram No. 4756 of December 20, 1916, 3 p. m., regarding the return to Belgium of a number of Belgian workmen on the ground that they had been transported to Germany contrary to the provisions of the order of the Governor General of Belgium dated May 15, 1916, I have the honor to transmit herewith, for the Department's information, a copy and translation of the order referred to.

I have, etc.,

J. C. GREW.

## [Inclosure—Translation.]

## REGULATIONS GOVERNING IDLENESS.

Canceling the regulation, under the same heading, dated August 13, 1915 (*Gesetz- und Verordnungsblatt* No. 108, Page 889), I ordain as follows:

## ARTICLE 1.

Persons, intentionally or carelessly making false statements regarding their personal circumstances when enquiries are being made with the object of ascertaining the necessity of relief for them, shall be punished with imprisonment up to six weeks, in case a more severe punishment is not incurred in accordance with the existing laws; aside from that a fine up to Marks 1,000 can be imposed.

## ARTICLE 2.

Persons declining the acceptance or continuation of work offered them and which stands in accordance with their ability without sufficient reason, although relief is granted them from public or private funds or they become in need of relief owing to such refusal, shall be punished with imprisonment of from fourteen days to a year.

Principally every reason justified by international law shall be considered sufficient.

Instead of prosecuting, the compulsory deportation to the place of work can be ordered by the Governors and Commanders, enjoying equal rights, as well as the County Chiefs.

## ARTICLE 3.

Persons intentionally assisting the refusal of work, punishable according to Article 2, by granting relief or in some other manner, shall be fined up to Marks 10,000, besides which imprisonment up to two years can be imposed.

## ARTICLE 4.

In case communities, associations, or other organizations assist the refusal of work according to Article 3, the punishment will be imposed upon the leading persons.

## ARTICLE 5.

Amounts proven to be intended for the support of the persons mentioned in Article 2 shall be confiscated for the benefit of the Belgian Red Cross.

## ARTICLE 6.

The Military Courts and Military Commanders have jurisdiction for trespasses against the Articles 2 to 4 of the regulations and for

such trespasses against Article 1 which have been committed against German Authorities and Troops and against Authorities and Organizations instituted by me.

The criminal courts of the Belgian Courts of First Instance shall have jurisdiction for such trespasses against Article 1 of the regulation, which, according to the above, do not come under the jurisdiction of the Military Courts and Military Commanders.

BRUSSELS, *May* 15, 1916.

*The Governor General in Belgium.*

FREIHERR VON BISSING,  
*Generaloberst.*

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, January 2, 1917.*

Hoover submits following statement:

There has been no apparent change in German policy since the President's protest. Deportation continuing on a large scale, now apparently three to five thousand per week. Despite assertions made to the President no distinction is made as to whether deportees are unemployed or not, and in fact there seems a definite policy to secure all members of certain trades and the desire to secure these and other skilled labor leads press gangs to delegate choice of those in actual employment. Moreover, they have taken altogether up to December fifteenth over seven hundred persons employed by the commission despite the exhibit of credentials and their specific agreement with us to the contrary and against our protest. Furthermore, our American members have witnessed the taking of several thousands, particularly from Flanders, to northern France, and together with local French people are now being forced to work for the German army in the preparation of timber and fascines for the trenches. Refusal to perform such labor has here been met with refusal of food and other brutal acts. It is also reported to us from what we believe to be reliable sources that Belgian and French civilians have been deported to work on trench construction in northern France, and certain deportees have been recently returned wounded by shell fire. Of the deportees to Germany some three hundred have been returned to Hainaut Province, of whom a part were apparently returned because physically unable to work, but the remainder maintain that they were returned because of their steadfast passive resistance to pressure; although they were entirely refused food over a con-

siderable period and were ultimately returned for their recalcitrancy. Their appearance confirms this. Altogether the assurances given the President that only unemployed people were taken and that they are not being employed on military work or brutally treated are absolutely untrue, not only before but since assurances were given. It does appear that the civil government in Brussels has made some efforts to prevent brutality in selection, to confine selections to unemployed, and to protect the employees of the commission, and they have even solicited complaints, but they appear unable to control the military press gangs or effect any remedies.

The hourly witnessing of these outrages and the prayers to the Americans from a people now in a state of complete terror, since Americans have been so peculiarly their protectors during the past two years, make it difficult for us to control the natural feelings of our staff, and we can only hope that no untoward incident may occur.

PAGE.

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*Minister Whitlock to the Secretary of State.*

[Telegram—Paraphrase—Extract.]

AMERICAN LEGATION,  
*Brussels, January 2, 1917.*

Mr. Whitlock reports that it is very difficult to obtain information that is accurate regarding deportations because facilities for communication are lacking in Belgium.

There is no communication with that part of Belgium exclusively under the jurisdiction of the military, which includes certain parts of Hainaut and the two Flanders and also all Northern France and parts of Hainaut and Luxemburg. Deportations continue one day in this commune, one day in another. There have been taken, it was estimated, between sixty thousand and one hundred thousand men. Possibly two thousand of these have been returned. Those returning from Germany have brought accounts which are distressing concerning the cruelties resorted to in forcing them to sign employment contracts, and concerning hunger, suffering, and lack of shelter.

Requisition of the stocks and materials in the few industries which are still in operation continues, thus complicating the situation as the numbers of unemployed who are thereby formally exposed to deportation are increased.

*The German Ambassador to the Secretary of State.*

J. No. A131.]

GERMAN EMBASSY,  
Washington, January 8, 1917.

MR. SECRETARY OF STATE:

I have the honor to inclose a memorial sent me by my Government on the employment of Belgian laborers in Germany, refuting the false statements of Germany's enemies. In case Your Excellency should not express any objections, I intend to publish it here in the near future.

Please accept, etc.,

J. BERNSTORFF.

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[Inclosure—Translation.]

## EMPLOYMENT OF BELGIAN LABORERS IN GERMANY.

## I.

The compulsory employment of Belgian laborers in German works is utilized by our enemies as a welcome occasion in order to stir up the public opinion of neutral and hostile foreign countries against this alleged recent violation of the Belgian people. This propaganda threatens to assume considerable proportions, and it may even be considered likely that the Entente will attempt to induce neutral Governments or high neutral personages to make a formal protest. An explanation of the causes and effects of the disapproved measures therefore appears necessary in order to prevent a one-sided judgment of the question.

Those who, far away from the scenes of the war, are able to judge the conditions in the territories occupied in the west only in a superficial manner will perhaps not understand so easily that the measures taken are not only by no means injurious to the population of these regions from an economic standpoint, but had become to a certain extent a social necessity owing to the peculiar conditions prevailing there. He who wishes to comprehend this must first picture to himself the extent and effects of the nonemployment in Belgium. The chief cause of this is the British naval blockade, which is being ruthlessly enforced even against Belgium. Belgian industry is so greatly dependent on the importation of raw materials and the exportation of manufactured articles that the almost complete stoppage of foreign trade by England necessarily entailed automatically the paralyzation of by far the greater part of Belgian industries. This is especially the case with the important iron and

steel industries, textile and clothing industries, and the keramic and glass industry which together employed over half a million workmen in time of peace, as well as with the leather, tobacco, paper, and chemical industry. Even fishing has entirely ceased in consequence of the blockade of the North Sea coast. A number of other enterprises had to be suspended because the materials used and their transportation had become so dear that the work was conducted at a loss; this occurred, among others, with the building industry (employing in peace 95,000 laborers) and the wood and furniture industry (80,000 laborers). The important mining industry owes it only to the extensive exportation of coal to Germany that it is able to employ about nine-tenths of its 145,000 laborers and the stone quarries also employ one-third of their force, which had hitherto consisted of 35,000 hands, in order to fulfill orders which are mostly German.

That, as frequently asserted in Belgium, requisitions of raw materials and machinery by Germany have considerably increased the unemployment is not true for the reason that these requisitions were made primarily in factories which were unable anyway to keep running owing to one of the aforementioned causes.

The result of these occurrences is that, out of 1,200,000 men and women who worked in Belgian industrial enterprises before the war, and who represent about half of all persons in Belgium engaged in earning a living, 505,000 (including 158,000 women) are entirely and 150,000 (including 46,000 women) partially unemployed. Altogether there are therefore 655,000 persons, formerly earning their living by labor in industry, who are now dependent upon public assistance, a number which, added to 293,000 wives and 612,000 children of the unemployed, reaches a total of 1,560,000 needy people and represents about one-fifth of the entire population of Belgium.

In so highly a developed industrial nation as Belgium this state of affairs, without precedent in history, had necessarily to entail the gravest economic and social troubles. The sums expended up to the present in order to furnish the bare minimum needed for existence to the unemployed persons and those dependent upon them already amount to over 300,000,000 francs and are likely to amount to no less than 20,000,000 francs a month in future. Even though foreign countries undertook to finance the work of affording this assistance, nevertheless Belgian national economy must eventually bear the burden. The equivalent of these expenditures, which are not made for productive labor, is not only entirely lost to Belgian economic life, but even does it considerable injury. The laborers are so accustomed to idleness by the help afforded them that a Belgian employer at present has difficulty in finding the necessary workmen to keep his enterprise going.

If this fact, in view of the above-cited large number of unemployed, in itself throws a sharp light on the economic troubles created in Belgium by unemployment, then the present condition must be characterized as wholly intolerable from a social standpoint if we picture to ourselves the consequences which the long continuing idleness produces for the laboring population. It is obvious that a trained laborer will lose his ability through long years of idleness, and his value to Belgian industry will therefore be seriously diminished. Even the unskilled laborer, who has been accustomed to a constant exertion of his strength, will be physically impaired by remaining unoccupied for a long time. In a moral way a continuance of present conditions will be absolutely devastating in its effects. The feeling of humiliation experienced by morally sound persons when they have to beg their living from foreign charity is, in the long run, entirely lost by the laboring classes and they cease to be proud of being able to support their families by their own efforts. The saying that idleness is the beginning of vice is verified to an enhanced degree in the case of the materially inclined Belgian laborer, and the consequences are drunkenness and moral degeneracy in wide circles of these classes of the population, among whom family life also incurs many dangers.

All these circumstances, as well as the gradual impoverishment of the laborers' families, who are able to satisfy only the most necessary material needs after consuming all their savings, must inevitably involve a weakening of the whole power of the Belgian people.

Baron von Bissing, Governor General of Belgium, early realized the grave significance of this question to the population of the territory under his administration, and he consequently turned his whole attention to it from the beginning of his official activity. As far as the requirements of warfare permitted, he encouraged the revival of commerce and industry and favored every importation and exportation that was at all possible under the British blockade. He also exhorted the Belgian communal administrations to undertake emergency work that would be of utility to the general public, provided this would not cause any overburdening of the communal finances. The constantly increasing assistance to the unemployed has also been the subject of his unceasing solicitude, as he had long since recognized that such assistance would encourage aversion to work and thus enlarge the number of unemployed. He has therefore repeatedly instructed the authorities under him to see that the help afforded unemployed did not become an obstacle to their resumption of work, and he has also induced the heads of the assistance committees to act along the same lines.

By all these measures it was possible to limit, but by no means remove, the evil, for the reason that the deeper cause, the British



naval blockade, made its effects felt more and more as time went on. The Governor General was accordingly obliged, even last year, to resort to a more powerful means in order to counteract the increasing habit of idleness on the part of the people.

At the instance of shrewd Belgians, and with the coöperation of the proper Belgian Ministry, he issued an order in August, 1915, against shirking of labor, which order was supplemented and strengthened in March of this year. These orders contemplate a compulsory removal to the places of work only when the laborer declines without sufficient grounds a job offered him at appropriate wages and within his capacity, and in this connection any ground of refusal based on international law is regarded as sufficient. A workman can accordingly not be forced to participate in warlike enterprises. The orders are directed primarily against certain organized influences which wish to keep the laborers from voluntarily accepting remunerative work only because it was offered by Germans. They are founded on sound legislative considerations, which restrict the liberty of the individual in the interest of the general public.

The evil conditions which existed even at the time of issuance of these orders having in the course of time become entirely intolerable, the orders are now to be enforced more extensively than hitherto. Before they are applied, a proposition is made to the unemployed workman that he voluntarily enter into an advantageous labor contract, and only in case he stubbornly refuses (usually as a result of incitement) are forcible measures employed. The unemployed who go to Germany are placed on an equal footing there with the German laborers, and they receive higher wages than were ever known in Belgium. Care is taken to send part of these wages to the families remaining behind. The laborers are likewise allowed to carry on correspondence by letter with their families, and they are granted leave to go home at regular intervals. At their request they may even take their families with them to Germany. Provision is also made for religious service in their mother tongue.

The great advantages which accrue to Belgian laborers from the opportunity thus offered them to work, as compared with their previous sorry plight, are so obvious that for a year tens of thousands of them have been voluntarily availing themselves of the offer and have found remunerative labor in Germany. Happy to have escaped the misery caused by many months' idleness and the humiliation of public assistance, they have been able to restore their physical and moral strength by returning to their normal occupation. By the labor of their hands they can again raise their families up to a higher standard economically and make savings for the future. The temporary transplantation to another home does not frighten them, as Belgian laborers are used to wandering and have, in time



of peace, often hired out for work in the southern industrial section of the country or in Northern France for several months for the sake of a much less increase in wages than that now offered. The transfer of Belgian laborers to Germany therefore means a considerable improvement in the situation of these laborers and the abolition of conditions which have become intolerable.

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*Minister Whitlock to the Secretary of State.*

[Extract.]

No. 491.]

AMERICAN LEGATION,  
*Brussels, January 16, 1917.*

SIR: In order fully to understand the situation it is necessary to go back to the autumn of 1914. At the time we were organizing the relief work the Comité National—the Belgian relief organization that collaborates with the Commission for Relief in Belgium—proposed an arrangement by which the Belgian Government should pay to its own employees left in Belgium, and other unemployed men besides, the wages they had been accustomed to receive. The Belgians wished to do this both for humanitarian and patriotic purposes; they wished to provide the unemployed with the means of livelihood, and, at the same time, to prevent their working for the Germans. The policy was adopted, and has been continued in practice, and on the rolls of the Comité National have been borne the names of hundreds of thousands—some 700,000, I believe—of idle men receiving this dole, distributed through the communes.

The presence of these unemployed, however, was a constant temptation to German cupidity. Many times they sought to obtain the lists of the chomeurs, but were always foiled by the claim that under the guarantees covering the relief work, the records of the Comité National and its various suborganizations were immune. Rather than risk any interruption of the ravitaillement, for which, while loath to own any obligation to America, the Germans have always been grateful, since it has had the effect of keeping the population calm, the authorities never pressed the point other than with the Burgo-masters of the Communes. Finally, however, the military party, always brutal, and with an astounding ignorance of public opinion

and of moral sentiment, determined to put these idle men to work.

In August, von Hindenburg was appointed to the supreme command. He is said to have criticized von Bissing's policy as too mild; there was a quarrel; von Bissing went to Berlin to protest; threatened to resign, but did not. He returned, and a German official here said that Belgium would now be subject to a more terrible régime, would learn what war was. The prophecy has been vindicated.

The deportations began in October in the Etape, at Ghent and at Bruges. The policy spread; the rich industrial districts of Hainaut, the mines and steelworks about Charleroi were next attacked; now they are seizing men in Brabant, even in Brussels, despite some indications and even predictions of the civil authorities that the policy was about to be abandoned.

During the last fortnight men have been impressed here in Brussels, but these seizures here are made evidently with much greater care than in the provinces, with more regard for the appearances. There was no public announcement of the intention to deport, but suddenly about ten days ago, certain men in town, whose names are on the lists of chomeurs, received summons, notifying them to report at one of the railway stations on a given day; penalties were fixed for failure to respond to the summons and there was printed on the card an offer of employment by the German Government either in Germany or Belgium. On the first day, out of about 1,500 men ordered to present themselves at the Gare du Midi, about 750 responded. These were examined by German physicians and 300 were taken. There was no disorder, a large force of mounted Uhlans keeping back the crowds and barring access to the station to all but those who had been summoned to appear. The Commission for Relief in Belgium had secured permission to give to each deported man a loaf of bread and some of the communes provided warm clothing for those who had none and in addition a small financial allowance. As by one of the ironies of life the winter has been more excessively cold than Belgium has ever known it and while many of those who presented themselves were adequately protected against the cold, many of them were without overcoats. The men shivering from cold and fear, the parting from weeping wives and children, the barriers of brutal Uhlans, all this made the scene a pitiable and distressing one.

It was understood that the seizures would continue here in Brus-

sels, but on Thursday last, a bitter cold day, those that had been convoked were sent home without examination. It is supposed that the severe weather has moved the Germans to postpone the deportations.

The rage, the terror, and the despair excited by this measure all over Belgium were beyond anything we had witnessed since the day the Germans poured into Brussels. The delegates of the Commission for Relief in Belgium, returning to Brussels, told the most distressing stories of the scenes of cruelty and sorrow attending the seizures. And daily, hourly almost, since that time, appalling stories have been related by Belgians coming to the Legation. It is impossible for us to verify them, first because it is necessary for us to exercise all possible tact in dealing with the subject at all, and, secondly, because there is no means of communication between the Occupations Gebiet and Etappen Gebiet. Transportation everywhere in Belgium is difficult, the vicinal railways scarcely operating any more because of the lack of oil, while all the horses have been taken. The people who are forced to go from one village to another must do so on foot, or in vans drawn by the few miserable horses that are left. The wagons of the breweries, the one institution that the Germans have scrupulously respected, are hauled by oxen.

The well-known tendency of sensational reports to exaggerate themselves, especially in time of war, and in a situation like that existing here, with no newspapers to serve as a daily clearing house for all the rumors that are as avidly believed as they are eagerly repeated, should of course be considered, but even if a modicum of all that is told is true, there still remains enough to stamp this deed as one of the foulest that history records.

I am constantly in receipt of reports from all over Belgium that tend to bear out the stories one constantly hears of brutality and cruelty. A number of men sent back to Mons are said to be in a dying condition, many of them tubercular. At Malines and at Antwerp returned men have died, their friends asserting that they have been victims of neglect and cruelty, of cold, of exposure, of hunger.

I have had requests from the Burgomasters of ten communes from La Louvière, asking that permission be obtained to send to the deported men in Germany packages of food similar to those that are being sent to prisoners of war. Thus far the German Authorities

have refused to permit this except in special instances, and returning Belgians claim that even when such packages are received they are used by the camp authorities only as another means of coercing them to sign the agreements to work.

It is said that in spite of the liberal salary promised those who would sign voluntarily no money has as yet been received in Belgium from workmen in Germany.

One interesting result of the deportations remains to be noted, a result that once more places in relief the German capacity for blundering, almost as great as the German capacity for cruelty. They have dealt a mortal blow to any prospect they may ever have had of being tolerated by the population of Flanders; in tearing away from nearly every humble home in the land, a husband and a father or a son and brother, they have lighted a fire of hatred that will never go out; they have brought home to every heart in the land, in a way that will impress its horror indelibly on the memory of three generations, a realization of what German methods mean, not, as with the early atrocities in the heat of passion and the first lust of war, but by one of those deeds that makes one despair of the future of the human race, a deed coldly planned, studiously matured, and deliberately and systematically executed, a deed so cruel that German soldiers are said to have wept in its execution, and so monstrous that even German officers are now said to be ashamed.

I have, etc.,

BRAND WHITLOCK.

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[Inclosure.]

REPORT ON THE REQUISITION OF BELGIAN WORKMEN FROM MALINES.

DEAR SIR: I have the honor to submit herewith a report on the requisition of Belgian workmen from Malines, which I witnessed in accordance with your instructions:

On the afternoon of Jan. 4th, in company with Baron von der Lancken, Legationsrat Kaempf, and an officer of the General Gov. of Occupation, I went to Malines to witness a requisition of men to be deported to Germany. The men who were to be examined came from the outlying districts of Malines and not from the city proper, since the latter had already paid its toll of about 600 men two weeks pre-

vious. As the actual process of requisitioning is one that at present takes three days from the time of the first convocation of all adult males to the final deportation of the selected unemployed, I was able to witness only a small portion of the procedure. However, the following is a record of the steps that had been taken up to the time of my arrival as told me by the underofficer in charge of the final selection.

The entire adult male population (between 17-60) of the district to be picked over is ordered by public notices to report at specified times, according to the age of the individual, at a central station. Each man must bear his identification card and is allowed to bring with him any documentary evidence which can go to prove that he is actually employed or unfit for hard labor. These documents are submitted to the officer in charge. After he has examined them he stamps the identification card with one of two stamps. The first indicates that the man is actually employed to the satisfaction of the officer (i.e., is a lawyer, doctor, of professional with an accredited practice, or a large property owner or business man), or that he is obviously seriously ill; the second is reserved for all others. Those who have fallen under the latter category must report again the next day; those under the first are exempt, and are no longer molested. On the second day the men who have to report again are given two choices, that of voluntarily signing contracts of work in Germany or of working in Belgium for German interests (i.e., on railroads, loading and unloading cars, etc., etc.). If they refuse either of these offers they are marked for forced deportation to Germany on the following day and are given the necessary orders as regards reporting, bringing of heavy extra clothing, etc.

The procedure on the third day was that which I witnessed. The men had been ordered to report at a building about 400 yards from the railroad tracks. Equipped with a large bundle containing extra clothing and a new pair of "Sabots" each man was awaiting his turn to be given a final examination. The building was surrounded by about 50 soldiers (infantry men) and the women and children were kept at a safe distance by mounted Uhlans with steel-headed spears, perhaps twenty in number. There were no signs of active disorder, but as the crowd outside was continually pressing forward the Uhlans had to use forceful tactics to keep it in place. However, I saw no act of violence, but only threatening motions.

The men entered the building in single file and passed between examining officers. To them they were allowed to make their final appeal. They were still in possession of the papers they had been allowed to submit on the first day, but these were only cursorily examined. I watched two men pass and heard their appeal. The first had a sick wife (Medical certificate), was a pensioned arsenal worker who during the war had been occupied in cultivating a small piece of land

(Burgomaster's certificate) and who had a son who had been a voluntary workman in Germany for two years. He was his wife's only support (i. e., His pension was). His case was considered for a moment only and then he was passed on to go to Germany. The second was also a pensioned arsenal worker, but he had six small children (The oldest 12 years) and had a piece of land about twelve hectare in size which he had been cultivating. The officer examined his case and then turned to me with the remark "Of course this man goes free." He was then led to a side door where his identification card was stamped and he was allowed to leave.

At this point I began to question the officer in charge and the officials who had accompanied me, with regard to several general points on which I was not clear. I asked how the wife of the first man was to be supported in his absence since she would naturally not be paid the pension which he had received from the Belgian Gov. The answer was that the German Gov. would take care of her, and that anyway she could support herself on the earnings that her husband sent back from Germany. I asked what those could amount to. The answer assured me that if he was a good worker and saving, these might be as great as 120 Marks per month. I then asked what his pay would be if, as he had previously done, he refused to sign a voluntary contract. No definite answer. In fact I was told that I could get information of that sort from Berlin. I then asked whether any money had as yet been returned by workers in Germany, and was told that I could get those facts in Brussels. (As yet I have had no evidence that any money has been sent back.) I made a final effort to secure some information about the actual procedure when men once arrived in Germany, and what differences were made between those who had signed contracts, and those who hadn't, but was met with the response that they had but small knowledge of what happened to the men after they were deported.

I then turned my attention to the second man and asked why he had been let off. All the officials agreed that it was because he had six small children dependent on him. I at once asked if according to what I had just been told it would not be better for him to be deported, since he could earn so much more money in Germany. Slight hesitation, and then the officials who accompanied me agreed that it would have been better for him to have gone to Germany, but that the officer in charge was unusually kind-hearted and had on that account let him off. This latter officer made no comment.

I now went on to the rest of the examination. Every man who claimed to be sick could be examined by two doctors. Just previous to the moment that I entered one man had been freed because of tuberculosis and another had been put on the deported list because instead of the catarrh from which he was supposed to be suffering he had turned out to be violently intoxicated. But very few chose to

be examined by the doctors and of those examined (about 40 in all I believe) only a few had been freed.

As the men who were finally selected passed out of a side door of the building to be led to the waiting trains, they were relieved of all papers and their names were put in a book which was to be sent to the prison camp for which they were destined. I was told that those papers were to be carefully kept for future references in case a petition for repatriation was made with regard to any one of the men.

From the building to the train the men were led in groups of about thirty under heavy military escort. Standing beside the cars was a military field kitchen from which the men were fed a plate apiece of heavy barley & vegetable soup, in which was discernible very small pieces of meat. I tasted this soup, and it was good. On their trip to Germany the men were to be fed a similar ration every eight hours, provided the train in which they were ran according to schedule. The cars were the ordinary third-class cars and, at the time of my visit, were being heated.

About 300 men were taken in all. There were two interpreters in constant circulation among them, whose chief functions were to present coming events in a rosy light and to try to persuade men to sign contracts of work. I was told that if a man at any time changed his mind he could always sign a voluntary contract. This choice was reserved him at all stages of the trip to Germany and also at any moment during his confinement in the prison camp. While I was present only one took the alternative. His courage failed as he was about to enter the train, and he elected to stay in Belgium and work wherever the Germans assigned him.

The above statements are merely a literal presentation of the facts of one part of a small requisition. From reports received through other sources it is quite evident that this requisition was very exceptionally well conducted. Not a single man bearing a card from the C. R. B. was taken and, on the whole there were very few complaints and protests. Whether the orderliness and thoroughness were especially provided for this occasion, or whether the policy of deportations is to be actually limited to the unemployed, remains to be seen. At least it would seem as though the seven second examination per man were to be abolished for a more thorough procedure.

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*Minister Whitlock to the Secretary of State.*

No. 429.]

AMERICAN LEGATION,  
*Brussels, January 17, 1917.*

SM: With reference to my telegram of the 15th instant, No. 32,<sup>1</sup> regarding the deportations of Belgians from the city of Brussels, I

<sup>1</sup> Not printed.



have the honor to state that summonses to appear for examination are now being sent out by the German authorities, directing the men to appear on Saturday, the 20th instant, at the Gare du Midi.

The method of summoning the men is different from that employed hitherto, and indicates greater care in preparation. No announcements have been posted on the city walls; persons whom it is desired to examine are summoned individually by post card, and are at the same time advised as to the punishment to which they will expose themselves if they do not reply to the summons, the preparatory measures which they should take in view of a possible deportation, and the bureau to which they should apply in the event of their voluntary inscription for work in lieu of deportation.

A copy and translation of this post card of notification are inclosed herewith.

I have, etc.,

BRAND WHITLOCK.

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[Inclosure—Translation.]

BRUSSELS [date of the postmark].

IMPERIAL GERMAN COMMANDANTUR:

You are summoned to present yourself on ——— at 8 a. m. at the Southern Railway Station (entrance from the Rue de France).

In the event that you should not obey the present summons, you would be deported at once by force; furthermore, you would be liable to a sentence of a maximum imprisonment for three months, or of a fine not exceeding 1,000 marks.

As it is possible that you may be sent to a place of work and that in such case you would not have further occasion to get into communication with the members of your family, you are advised to provide yourself with a blanket, with winter clothing, linen, and good boots.

Whoever signs a contract at the "Bureau de l'Industrie," Rue Marie Thérèse, 64, is offered work either in Germany or in Belgium on very advantageous conditions, and need not present himself at the station.

[SEAL.]

COUNT VON SODEN,  
*Colonel and Commandant.*

The present summons is to be exhibited.



## PART IX.

### WITHDRAWAL OF THE AMERICAN MINISTER FROM BELGIUM.

*Statement given to the press March 24, 1917.*

DEPARTMENT OF STATE,  
Washington, March 24, 1917.

By direction of the President the Minister at Brussels has been instructed to withdraw from Belgium, with all diplomatic and consular officers, and take up his official residence at Havre.

After consultation with the Commission for Relief in Belgium, Mr. Whitlock has also been instructed to arrange for the departure of the American members of the Commission.

This step, the seriousness of which is fully appreciated by the Government, was taken only after careful consideration and full consultation with all the interests involved.

When diplomatic relations with Germany were broken off the normal procedure would have been to withdraw the Minister at Brussels and the American members of the Relief Commission. Both this Government and the Commission, however, felt a heavy moral responsibility for the millions of innocent civilians behind the German lines, and it was decided that the work of the Commission must be kept going despite all difficulties until continued American participation became impossible. For over two years it has been the single-minded purpose of this Government and the Commission to see that these ten millions of civilians were fed, and, with this end in view, the Americans concerned have submitted to restrictions imposed on them by the German authorities which, under ordinary conditions, would never have been tolerated.

Immediately after the break in relations the German authorities in Brussels withdrew from Mr. Whitlock the diplomatic privileges

and immunities which he had until that time enjoyed. His courier service to The Hague was stopped; he was denied the privilege of communicating with the Department of State in cipher, and later even in plain language. The members of the Relief Commission were placed under great restrictions of movement and communication which hampered the efficient performance of their task. In spite of all these difficulties the Government and Commission were determined to keep the work going till the last possible moment.

Now, however, a more serious difficulty has arisen. In the course of the past 10 days several of the Commission's ships have been attacked without warning by German submarines in flagrant violation of the solemn engagements of the German Government. Protests addressed by this Government to Berlin through the intermediary of the Spanish Government have not been answered. The German Government's disregard of its written undertakings causes grave concern as to the future of the relief work. In any event it is felt that the American staff of the Commission can no longer serve with advantage in Belgium. Although a verbal promise has been made that the members of the Commission would be permitted to leave if they so desire, the German Government's observance of its other undertakings has not been such that the department would feel warranted in accepting responsibility for leaving these American citizens in German-occupied territory.

This Government has approved the proposal of the Netherlands Government to send into Belgium a certain number of Netherlands subjects to carry on the work thus far performed by the American staff.

## PART X.

### PEACE OVERTURES OF THE CENTRAL POWERS AND REPLY OF ENTENTE POWERS.

*Chargé Grew to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
BERLIN, *December 12, 1916.*

Following is the official French translation of the peace communication handed to me by the Chancellor this morning, which I am now able to telegraph en clair, as the exact text has now been published.

BERLIN, *December 12, 1916.*

MR. CHARGÉ D'AFFAIRES: The most formidable war known to history has been ravaging for two and a half years a great part of the world. That catastrophe, that the bonds of common civilization more than a thousand years old could not stop, strikes mankind in its most precious patrimony; it threatens to bury under its ruins the moral and physical progress on which Europe prided itself at the dawn of the twentieth century. In that strife Germany and her allies—Austria-Hungary, Bulgaria, and Turkey—have given proof of their indestructible strength in winning considerable successes at war. Their unshakable lines resist ceaseless attacks of their enemies' arms. The recent diversion in the Balkans was speedily and victoriously thwarted. The latest events have demonstrated that a continuation of the war can not break their resisting power. The general situation much rather justifies their hope of fresh successes. It was for the defense of their existence and freedom of their national development that the four Allied Powers were constrained to take up arms. The exploits of their armies have brought no change therein. Not for an instant have they swerved from the conviction that the respect of the rights of the other nations is not in any degree incompatible with their own rights and legitimate interests. They do not seek to crush or annihilate their adversaries. Conscious of their

military and economic strength and ready to carry on to the end, if they must, the struggle that is forced upon them, but animated at the same time by the desire to stem the flood of blood and to bring the horrors of war to an end, the four Allied Powers propose to enter even now into peace negotiations. They feel sure that the propositions which they would bring forward and which would aim to assure the existence, honor, and free development of their peoples, would be such as to serve as a basis for the restoration of a lasting peace.

If notwithstanding this offer of peace and conciliation the struggle should continue, the four Allied Powers are resolved to carry it on to a victorious end, while solemnly disclaiming any responsibility before mankind and history.

The Imperial Government has the honor to ask through your obliging medium the Government of the United States to be pleased to transmit the present communication to the Government of the French Republic, to the Royal Government of Great Britain, to the Imperial Government of Japan, to the Royal Government of Roumania, to the Imperial Government of Russia, and to the Royal Government of Servia.

I take this opportunity to renew to you, Mr. Chargé d'Affaires, the assurance of my high consideration.

VON BETHMANN HOLLWEG.

TO MR. JOSEPH CLARK GREW,  
*Chargé d'Affaires of the  
United States of America.*

GREW.

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*Ambassador Elkus to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*Constantinople, December 12, 1916.*

Mr. Elkus reports receipt of note from Turkish Minister for Foreign Affairs as follows:

MR. AMBASSADOR:

The most formidable war known to history has for the last two years and a half been ravaging a large part of the world. This catastrophe, which the bonds of a common civilization of more than a thousand years have been unable to prevent, affects the most precious heritage of humanity: It threatens to engulf in its ruins the moral and material progress of which Europe prided itself in the beginning of the twentieth century.

In this struggle the Ottoman Empire and its allies, Germany, Austria-Hungary, and Bulgaria, have given proof of their indestructible force by gaining notable successes over their numerically superior adversaries. Their unshakable lines resist the unceasing attacks of the armies of their enemies. The recent attempts in the Balkans have been rapidly and victoriously checked. The latest events have shown that the continuation of the war could not break the force of their resistance. On the contrary the general situation entitles them to hope for fresh successes. It was to defend their existence and the freedom of their national development that the four Allied Powers were obliged to take up arms. The exploits of their armies have changed nothing in this respect. Not for one moment did they depart from the conviction that to respect the rights of other nations is by no means incompatible with their own rights and legitimate interests. They do not seek to crush or annihilate their adversaries. Conscious of their military and economic strength and ready if necessary to continue to a finish the struggle which was forced on them, but actuated at the same time by a desire to stop the bloodshed and to put an end to the horrors of the war, the four Allied Powers are now ready to enter into negotiations for peace. They are convinced that the proposals to be advanced by them and which aim to insure the existence, the honor, and the free development of their peoples would be suitable to serve as a basis for the reestablishment of a durable peace.

If in spite of this offer of peace and conciliation the struggle should continue, the four Allied Powers are determined to prosecute it to a victorious end and solemnly decline all responsibility before humanity and history.

The Imperial Government has the honor to request the Government of the United States through the kind offices of your excellency to be good enough to transmit the present communication to the British, French, Russian, Italian, Belgian, and Servian Governments.

[Signed.]

HALIL.

ELKUS.

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*Chargé Warfield to the Secretary of State.*

No. 184.]

AMERICAN LEGATION,  
Sofia, December 15, 1916.

SIR: I have the honor to transmit herewith copy and translation of a note verbale handed to me in person by the Prime Minister at noon on December 12. At his request I communicated the main point of this note by a telegram, copy of which is inclosed, stating that

the Prime Minister, while pointing out the strong position of the Central Powers, proposes to enter into negotiations for peace.

At the same time Dr. Radoslavoff handed me an indential note with the request that it be forwarded to London. Copies have therefore been sent to the London Embassy.

I have, etc.,

WILLIAM WARFIELD.

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[Inclosure—Translation.]

No. 1568.]

MINISTRY OF FOREIGN AFFAIRS.

The most formidable war known to history has been ravaging for two years and a half a great part of the world. This catastrophe which the bonds of a common civilization more than a thousand years old are unable to arrest, strikes humanity's most precious inheritance; it threatens to entomb in its ruins the moral and material progress upon which Europe prided herself at the dawn of the twentieth century.

In this struggle Bulgaria and her allies, Germany, Austria-Hungary and Turkey, have proved their indestructible power, by winning notable successes against adversaries superior in number and materials of war. Their impregnable lines withstand the unceasing attacks of the armies of their enemies. The recent diversions in the Balkans have been rapidly and victoriously thwarted. The recent events have shown that the continuation of the war will not break their power of resistance. The general situation rather gives them reason to hope for new successes.

The four Allied Powers were compelled to arm to defend their existence and the liberty of their national development. The deeds of their armies have varied in no particular. Not one single instant have they departed from the conviction that respect for the rights of other nations is not in any way incompatible with their own rights and legitimate interests. They do not seek to crush or to annihilate their adversaries.

Conscious of their economic and military power, and ready, if it is necessary, to continue to the end the struggle which is imposed upon them, but inspired at the same time by a desire to stem the streams of blood, and to put an end to the horrors of war, the four Allied Powers proposed to enter, forthwith, into negotiations for peace. They are convinced that the proposals which they will bring forward, and which will aspire to assure the existence, the honor, and the free development of their people, will suffice to serve as a foundation for the restoration of a lasting peace.

If, in spite of this offer of peace and conciliation, the struggle must continue, the four Allied Powers are determined to conduct it to a victorious end, while declining solemnly all responsibility before humanity and history.

The Royal Government of Bulgaria has the honor to request Mr. *le Chargé d'Affaires* of the United States of America to kindly transmit the present communication to his Government.

SOFIA, *December 12, 1916.*

(Signed)

DR. V. RADOSLAVOFF.

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*Ambassador Penfield to the Secretary of State.*

[Extract.]

No. 2308.]

AMERICAN EMBASSY,

*Vienna, December 16, 1916.*

SIR: Adverting to my telegram No. 1573 of the 12th instant, I have the honor to inclose herewith for the information of the Department duplicate copies and translations of note No. 5915, dated December 12, 1916, from the Imperial and Royal Ministry of Foreign Affairs, in which the Central Powers state that they are ready to enter into negotiations for peace.

I have, etc.,

FREDERIC COURTLAND PENFIELD.

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[Inclosure—Translation.]

IMPERIAL AND ROYAL MINISTRY OF THE IMPERIAL AND ROYAL HOUSE  
AND OF FOREIGN AFFAIRS.

No. 5915.]

*Vienna, December 12, 1916.*

MR. AMBASSADOR:

The most formidable war that history has known has for two and a half years ravaged a large part of the world. This catastrophe, which the bands of a common civilization more than a thousand years old could not prevent, strikes humanity in its most precious possessions; it threatens to bury under its ruins the moral and material progress of which Europe was so proud at the beginning of the twentieth century.

In this struggle Austria-Hungary and its allies, Germany, Bulgaria, and Turkey, have proved their indestructible strength and have achieved considerable successes against adversaries who are superior

in numbers and in resources. Their unbreakable lines continue to resist successfully the incessant attacks of the armies of their enemies. The recent diversion in the Balkans has been rapidly and victoriously checked. The last events have shown that the continuation of the war will not succeed in breaking their resistance. Instead, the general situation leads them to hope for further successes.

The four Allied Powers were forced to take up arms in order to defend their existence and liberty of national development. The results achieved by their armies have changed nothing. Not for an instant have they departed from the conviction that a respect for the rights of other nations is incompatible with their own rights and legitimate interests. They do not seek to crush or annihilate their adversaries.

Conscious of their military and economic strength, and ready, if necessary, to continue to the end the struggle which has been imposed upon them, but animated at the same time by the desire to stop the shedding of blood and to put an end to the horrors of war, the four Allied Powers are prepared to enter at once into negotiations of peace. They are persuaded that the proposals which they are ready to submit, and which aim to insure the existence, honor and free development of their inhabitants, are suitable to serve as a foundation for the reestablishment of a durable peace.

If in spite of this offer of peace and conciliation the struggle must continue, the four Allied Powers are determined to conduct it to a victorious end, declining solemnly all responsibility before humanity and history.

The Imperial and Royal Government has the honor to request by the obliging mediation of your excellency that the Government of the United States of America be so kind as to transmit the present communication to the Governments of Belgium, France, Great Britain, Japan, Russia and Serbia.

Please accept, Mr. Ambassador, the assurances of my high consideration.

[Sd.]                      BURIAN.

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*The Secretary of State to Ambassador W. H. Page.<sup>1</sup>*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, December 16, 1916.*

The American missions at Berlin, Vienna, Constantinople, and Sofia have received from the Governments of Germany, Austria-Hun-

<sup>1</sup> Same to American Embassies at Paris, Petrograd, Rome, and Tokio; American legations at Bucharest and Belgrade; and American Consulate at Havre.



gary, Turkey, and Bulgaria, respectively, identic notes for transmission to the Entente Powers. The note from the German Government, which has been received in the English language reads as follows:

BERLIN, *December* 12, 1916.

Mr. CHARGE D'AFFAIRES:

The most formidable war known to history has been ravaging for two and a half years a great part of the world. That catastrophe that the bonds of a common civilization more than a thousand years old could not stop strikes mankind in its most precious patrimony; it threatens to bury under its ruins the moral and physical progress on which Europe prided itself at the dawn of the twentieth century. In that strife Germany and her allies, Austria-Hungary, Bulgaria, and Turkey, have given proof of their indestructible strength in winning considerable successes at war. Their unshakable lines resist ceaseless attacks of their enemies' arms. The recent diversion in the Balkans was speedily and victoriously thwarted. The latest events have demonstrated that a continuation of the war can not break their resisting power. The general situation much rather justifies their hope of fresh successes. It was for the defense of their existence and freedom of their national development that the four Allied Powers were constrained to take up arms. The exploits of their armies have brought no change therein. Not for an instant have they swerved from the conviction that the respect of the rights of the other nations is not in any degree incompatible with their own rights and legitimate interests. They do not seek to crush or annihilate their adversaries. Conscious of their military and economic strength and ready to carry on to the end, if they must, the struggle that is forced upon them, but animated at the same time by the desire to stem the flood of blood and to bring the horrors of war to an end, the four Allied Powers propose to enter even now into peace negotiations. They feel sure that the propositions which they would bring forward and which would aim to assure the existence, honor, and free development of their peoples, would be such as to serve as a basis for the restoration of a lasting peace.

If notwithstanding this offer of peace and conciliation the struggle should continue, the four Allied Powers are resolved to carry it on to a victorious end while solemnly disclaiming any responsibility before mankind and history.

The Imperial Government has the honor to ask through your obliging medium, the Government of the United States, to be pleased to transmit the present communication to the Government of the French Republic, to the Royal Government of Great Britain, to the Imperial Government of Japan, to the Royal Government of Roumania, to the Imperial Government of Russia, and to the Royal Government of Servia.

I take this opportunity to renew to you, Mr. Chargé d'Affaires, the assurance of my high consideration.

VON BETHMANN HOLLWEG.

To Mr. JOSEPH CLARK GREW,  
*Chargé d'Affaires of the United States of America.*

The original texts of these notes will be forwarded as soon as received by this Government.

In bringing this note to the attention of the foreign office, as requested, intimate quite explicitly that, while you are submitting it on behalf of the respective Governments only and in no sense as the representative of the Government of the United States, this Government is deeply interested in the result of these unexpected overtures, would deeply appreciate a confidential intimation of the character and purpose of the response that will be made, and will itself presently have certain very earnest representations to make on behalf of the manifest interests of neutral nations and of humanity itself to which it will ask that very serious consideration be given. It does not make these representations now because it does not wish to connect them with the proposed overtures or have them construed in any way as an attempt at mediation, notwithstanding the fact that these overtures afford an admirable occasion for their consideration. The Government of the United States had it in mind to make them entirely on its own initiative and before it had any knowledge of the present attitude or suggestions of the Central Governments. It will make the same representations to the Governments of the Central Powers and wishes to make them almost immediately, if necessary, but not as associated with the overtures of either group of belligerents. The present overtures have created an unexpected opportunity for looking at the world's case as a whole, but the United States would have itself created the occasion had it fallen out otherwise.

LANSING.

*Ambassador Sharp to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*Paris, December 29, 1916.*

Mr. Sharp reports receipt from French Foreign Office of reply of Allied Governments to proposal of Central Powers transmitted in Department's telegram of December 16, 1916.

Translation of reply of Allied Governments is as follows:

The Allied Governments of Belgium, France, Great Britain, Italy, Japan, Montenegro, Portugal, Roumania, Russia, and Servia, unitedly in the defense of the liberty of nations and faithful to the engagement they have taken not to lay down arms separately, have resolved to answer collectively the so-called proposals of peace which have been addressed them on behalf of the enemy Governments, through the intermediary of the United States, of Spain, of Switzerland, and of the Netherlands.

The Allied Powers are constrained to preface their answer by protesting strongly against the two essential assertions in the note of the enemy powers, which attempts to throw upon the Allies the responsibility of the war and which proclaims the victory of the Central Powers.

The Allies can not admit an assertion which is doubly inexact and which is sufficient to render barren any attempt at negotiation.

For thirty months the Allied Powers have suffered a war which they had tried by every means to avoid. They have demonstrated their attachment to peace by their acts. This attachment is as strong to-day as it was in 1914; after the violation of her engagements, it is not upon the word of Germany that peace, broken by her, can be based.

A suggestion without any conditions for initiating negotiations is not an offer of peace. The so-called proposal, devoid of substance and of precision, circulated abroad by the Imperial Government, appears less as an offer of peace than as a maneuver of war.

It is based upon a systematic disregard of the nature of the struggle of the past, present, and future.

As to the past, the German note ignoring all the facts, dates, and figures which prove that the war was desired, incited, and declared by Germany and Austria-Hungary. At The Hague it was the German delegate who rejected all suggestion of disarmament. In July, 1914, it was Austria-Hungary who, after having addressed to Servia an ultimatum, of which there exists no precedent, declared war on her despite the satisfaction immediately obtained. The Central Empires thereafter repulsed every attempt made by the Entente

to bring about a pacific solution to what was a local conflict. England's offer of a conference, the French proposal of an international commission, the request for arbitration addressed by the Emperor of Russia to the Emperor of Germany, the understanding reached between Russia and Austria-Hungary on the eve of hostilities; all these endeavors were left by Germany without answer and without issue. Belgium was invaded by an empire which had guaranteed her neutrality and which itself unhesitatingly proclaimed that treaties are "mere scraps of paper" and that "necessity knows no law."

As regards the present, the so-styled offers of Germany are based upon a "war map" which covers Europe alone; which expresses only the exterior and transitory aspect of the situation, but not the real strength of the adversaries. To conclude a peace based on the above would be to the sole advantage of the aggressors, who, having believed they could attain their object in two months perceive after two years that it will never be attained.

For the future, the ruins caused by the German's declaration of war, the innumerable aggressions committed by Germany and her allies against the belligerents and against neutrals demand penalties, reparations, and guarantees; Germany eludes one and all.

In reality, the overture made by the Central Powers is but an attempt calculated to work upon the evolution of the war and of finally imposing a German peace.

It has for its object the troubling of opinion in the Allied countries; this opinion, in spite of all the sacrifices endured, has already replied with an admirable firmness and has denounced the hollowness of the enemy declaration.

It desires to strengthen public opinion in Germany and amongst her allies already so gravely shaken by their losses, fatigued by the economic encirclement, and crushed by the supreme effort which is exacted from their peoples.

It seeks to deceive, to intimidate public opinion of neutral countries long ago satisfied as to the original responsibilities, enlightened as to the present responsibilities, and too farseeing to favor the designs of Germany by abandoning the defense of human liberties.

It strives finally to justify new crimes in advance before the eyes of the world: Submarine warfare, deportations, forced labor, and enlistment of nationals against their own country, violation of neutrality.

It is with a full realization of the gravity, but also of the necessities of this hour that the Allied Governments closely united and in perfect communion with their peoples refuse to entertain a proposal without sincerity and without import.

They affirm, once again, that no peace is possible as long as the reparation of violated rights and liberties, the acknowledgment of the principle of nationalities and of the free existence of small states shall

not be assured; as long as there is no assurance of a settlement to suppress definitely the causes which for so long a time have menaced nations and to give the only efficacious guarantees for the security of the world.

The Allied Powers, in termination, are constrained to expose the following considerations which bring into relief the particular situation in which Belgium finds herself after two and a half years of war. By virtue of international treaties signed by five of the great powers of Europe, amongst which figured Germany, Belgium profited by a special statute which rendered her territory inviolate, and placed the country itself under the guarantee of these powers, sheltered from European conflicts. Nevertheless Belgium, despite these treaties, was the first to suffer the aggression of Germany. It is why the Belgian Government deems it necessary to specify the purpose which Belgium has never ceased to pursue in fighting, beside the Powers of the Entente for the cause of right and justice.

Belgium has always scrupulously observed the duties imposed upon her by neutrality. She took arms to defend her independence and her neutrality violated by Germany and to remain faithful to her international obligations. On the fourth of August at the Reichstag the Chancellor acknowledged that this aggression constituted an injustice contrary to the right of nations and agreed in the name of Germany to repair it.

After two and a half years this injustice has been cruelly aggravated by the practice of war and occupation which have exhausted the resources of the country, ruined its industries, devastated its cities and villages, multiplied the massacres, the executions, and imprisonments. And at the moment that Germany speaks to the world of peace and humanity she deports and reduces to servitude. Belgium before the war had no other wish than to live in concord with all her neighbors. Her King and her Government have only one purpose: The reestablishment of peace and of right. But they will only consider a peace which Belgian citizens by the thousand (demand!) assures to their country legitimate reparation, guarantees, and security for the future.

SHARP.

*The Secretary of State to Ambassador Gerard.*<sup>1</sup>

[Telegram.]

DEPARTMENT OF STATE,  
Washington, January 2, 1917.

This Government has received the following translation of the note of the Entente Powers replying to the overtures of the Central

<sup>1</sup> Same to American Embassies at Vienna and Constantinople and American Legation at Sofia.

Powers. Please deliver this note to the Government to which you are accredited, with the statement that the French text is being forwarded directly to you by the American Embassy, Paris, and that it will be delivered upon receipt.

(For text, see *supra*, p. 280, telegram from Ambassador Sharp.)  
LANSING.

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*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*Berlin, January 12, 1917.*

Mr. Gerard reports receipt of note from German Foreign Office as follows:

Through the medium of the Government of the United States, the Royal Government of Spain, and the Swiss Federal Government, the Imperial and Royal Government has received its adversaries' reply to the note of December 12 in which Germany, in accord with its allies, proposed an early opening of peace negotiations. The adversaries reject the proposal under pretense that it is insincere and meaningless. The form in which they put their refusal excludes any idea of a reply.

The Imperial Government nevertheless wishes to make known to the Governments of the neutral powers its view of the situation. The Central Powers have no occasion to revert to the discussions as to the origin of the world war. It is for history to pass judgment on the monstrous responsibility for the conflict. Its verdict will not any more leave out of consideration the encircling policy of Great Britain, the revengeful policy of France, the yearning of Russia for Constantinople than the provocation from Servia, the Serajevo assassination, and the general Russian mobilization which meant war with Germany.

Germany and its allies having been compelled to take up arms in defense of their freedom and existence consider they have accomplished that end of their efforts. On the other hand, the enemy powers have drifted farther and farther away from the achievement of their plans, which, according to the statements of their responsible statesmen, aimed, among other things, at the conquest of Alsace Lorraine and of several Prussian provinces, the humiliation and curtailment of the Austro-Hungarian Monarchy, the partition of Turkey, and the mutilation of Bulgaria. Such demands give at least a strange sound to the pretension of sanction, repatriation, and guaranty in the mouths of our adversaries.

Our adversaries call the peace proposal of the four allied powers a war maneuver. Germany and its allies must enter the most emphatic protest against so false an interpretation of the motives for their step which they have openly disclosed. They were convinced that a just peace, acceptable to all the belligerents, is feasible; that it can be attained through an immediate oral exchange of views and that therefore further bloodshed is indefensible. The fact that they have unreservedly shown their readiness to make known their peace proposals as soon as the negotiations were opened disposes of any doubt as to their sincerity. The adversaries who were given the opportunity to examine the value of that offer neither attempted to do so nor offered counter proposals. Instead, they declare any peace to be impossible as long as they are not assured reparation for invaded rights and freedoms, acknowledgment of the principle of nationalities and the free existence of small States. The sincerity which our adversaries will not acknowledge in the four allied powers' proposal can hardly be conceded to those demands by the world when it recalls the fate of the Irish people, the obliteration of the freedom and independence of the South African Republics, the conquest of North Africa by Great Britain, France and Italy, the oppression of foreign nationalities by Russia, and lastly, the act unprecedented in history which is constituted by the violence brought to bear on Greece.

Likewise it ill becomes those powers to complain of alleged violations of international law by the four allied powers, as they themselves have since the beginning of the war trampled the law under foot and torn the treaties upon which the law rests. In the early weeks following the opening of hostilities Great Britain disowned its adhesion to the Declaration of London and yet the text had been acknowledged by its own delegates to be conformable to the law of nations, and, as such, valid. In the course of the war it also violated in the most grave manner the Declaration of Paris, so that its arbitrary measures have created in the conduct of maritime warfare the state of illegality that now exists. The attempt to overcome Germany by starvation and the pressure exercised on the neutrals in the interest of Great Britain are at equally flagrant variance with the rules of international laws and the laws of humanity. Another infringement of the law of nations that can not be reconciled with the principles of civilization is the use of colored troops as also is the transfer of war in violation of existing treaties the effect of which can not but destroy the prestige of the white race in those countries. The inhuman treatment of prisoners, especially in Africa and Russia, the deportation of the civilian population of East Prussia, of Alsace Lorraine, Galicia, and Bukowina are as many further proofs of the manner in which our adversaries understand the respect of law and civilization.

Our adversaries close their note of December 30 with a statement laying stress on the peculiar situation in Belgium. The Impe-

rial Government is unable to admit that the Belgian Government always observed the duties imposed upon it by its neutrality toward Great Britain. Belgium applied in a military sense to that power and to France thus violating the spirit of the treaties intended to guarantee its independence and neutrality. Twice did the Imperial Government declare to the Belgian Government that it was not coming to Belgium as an enemy, and begged it to spare its country the horrors of war. It offered in that case to guarantee in their entirety the territory and independence of the kingdom of Belgium and to make good all damage that the passing of German troops might cause. It is known that in 1887 the British Royal Government had resolved not to oppose a claim to the right of way in Belgium under those conditions. The Belgian Government refused the reiterated offer of the Imperial Government. The responsibility for the fate that befell Belgium rests upon its Government and the powers which drew it into that attitude. The Imperial Government repeatedly repelled as groundless the charges brought against the conduct of the war in Belgium and against the measures there taken in the interest of military safety. It again enters an energetic protest against those calumnies.

Germany and its allies have made a genuine attempt with a view to bringing the war to an end and opening the way for an understanding among the belligerents. The Imperial Government lays down as a fact that the question as to whether or not that way would be entered, leading to peace, solely depended on the decision of its adversary. The enemy Governments declined to do so, upon them rests the whole responsibility for further bloodshed. The four allied powers in their calm conviction that they are in the right will carry on the struggle until they win a peace that will guarantee to their peoples honor, existence, and free development, and at the same time insure for all the States in the European Continent the beneficent possibility of coöperating in mutual esteem and on a perfectly equal footing toward the solution of the great problems of civilization.

GERARD.

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*Ambassador Penfield to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*Vienna, January 12, 1917.*

Mr. Penfield reports receipt of a note from the Austro-Hungarian Minister of Foreign Affairs as follows:

The Imperial and Royal Government had on the fifth instant the honor to receive through the obliging medium of the Government of



the United States of America the reply of the States at war with it to its note of December twelfth, in which the Imperial and Royal Government in concert with its allies declared its readiness to enter upon peace negotiations. Jointly with the Allied Powers the Imperial and Royal Government did not fail to subject the reply of the enemy Governments to a thorough examination which brought the following result.

Under pretence that the proposal of the four Allied Powers lacked sincerity and importance the enemy Governments decline to accede to the proposal. The form they gave to their communication makes it impossible to return an answer addressed to them. The Imperial and Royal Government nevertheless wishes to disclose its views to the neutral powers.

The reply of the enemy Governments shuns every discussion of the means to bring the war to an end. It confines itself to reverting to the facts anterior to the war, to the alleged strength of their military situation, and to the motives for the peace proposal as supposed by them.

The Imperial and Royal Government has no present intention to launch into a renewed discussion of the antecedents of the war, for it is convinced that a straightforward, impartial judgment has already and irrefutably established, in the eye of all mankind, on which side lies the responsibility for the war. With particular reference to Austria-Hungary's ultimatum to Serbia, the Monarchy has given in the years that preceded that step sufficient evidence of her forbearance in the face of the tendencies and hostile and aggressive doings of Serbia which were growing worse and worse up to the time when the infamous Serajevo assassination put any further leniency out of the question.

Likewise any discussion of the point of determining which side the advantage lay in regard to the military situation seems idle, as the answer to that question may unhesitatingly be left with public opinion throughout the world. Besides a comparison of the ends sought by the two groups in the present conflagration implies the solution of that question. While Austria-Hungary and its allies from the beginning of the war, never aimed at territorial conquest but rather at their defense, the contrary stands true for the enemy States which, to mention but a few of the objects they harbor in this war, crave the annihilation and spoliation of the Austro-Hungarian Monarchy, the conquest of Alsace-Lorraine as also the partition of Turkey and the curtailment of Bulgaria. The four Allied Powers therefore may consider they have achieved the purely defensive ends they seek in that war while their adversaries are more and more removed from the accomplishment of their designs.

If the enemy Governments term "strategem" the proposal of the four Allied Powers which is said to lack sincerity and importance,

it is clear that we have here but an absolutely arbitrary assertion of a biased judgment incapable of proof as long as the peace negotiations have not begun and consequently our peace terms are not known.

The Imperial and Royal Government and the Governments of the Allied Powers acted in perfect sincerity and good faith when they proposed peace negotiations for they had to reckon with the contingency of their explicit proposal to make their terms known immediately upon the opening of the negotiations being accepted. On the contrary the adversaries were those who, without offering any counter proposal, declined to acquaint themselves with the contents of the proposal of the four Allied Powers. If the adversaries demand above all the restoration of invaded rights and liberties, the recognition of the principle of nationalities and of the free existence of small States, it will suffice to call to mind the tragic fate of the Irish and Finnish peoples, the obliteration of the freedom and independence of the Boer Republics, the subjection of North Africa by Great Britain, France and Italy and, lastly, the violence brought to bear on Greece for which there is no precedent in history.

The Imperial and Royal Government lays down as a fact that in concert with the Allied Powers it had declared its readiness to bring the war to an end by means of an oral exchange of views with the enemy Governments and that on decision of the adversaries alone depended the opening of the way to peace. Before God and mankind it disclaims responsibility for a continuance of the war. Calm, strong, and confident of their right, Austro-Hungary and its allies will carry on the struggle until they gain a peace that will secure the existence, honor, and free development of the peoples and at the same time enable the States of Europe to coöperate in the grand work of civilization on the basis of wholly equal rights.

The Imperial and Royal Government has the honor to apply for Your Excellency's obliging good offices with a request that you will kindly forward the foregoing to the Government of the United States of America.

Be pleased to accept etcetera.

[Signed.]

CZERNIN.

PENFIELD.

## PART XL

### SUGGESTIONS CONCERNING THE WAR MADE BY PRESIDENT WILSON DECEMBER 18, 1916, AND REPLIES OF BELLIGERENTS AND NEUTRALS.

*The Secretary of State to Ambassador W. H. Page.<sup>1</sup>*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, December 18, 1916.

The President directs me to send you the following communication to be presented immediately to the Minister of Foreign Affairs of the Government to which you are accredited:

The President of the United States has instructed me to suggest to His Majesty's Government a course of action with regard to the present war which he hopes that the British Government will take under consideration as suggested in the most friendly spirit and as coming not only from a friend but also as coming from the representative of a neutral nation whose interests have been most seriously affected by the war and whose concern for its early conclusion arises out of a manifest necessity to determine how best to safeguard those interests if the war is to continue.

The suggestion which I am instructed to make the President has long had it in mind to offer. He is somewhat embarrassed to offer it at this particular time because it may now seem to have been prompted by the recent overtures of the Central Powers. It is in fact in no way associated with them in its origin and the President would have delayed offering it until those overtures had been answered but for the fact that it also concerns the question of peace and may best be

<sup>1</sup> Same, *mutatis mutandis*, to the American Diplomatic Representatives accredited to the Governments of France, Italy, Japan, Russia, Belgium, Montenegro, Portugal, Roumania, and Servia, and to all neutral Governments for their information.

considered in connection with other proposals which have the same end in view. The President can only beg that his suggestion be considered entirely on its own merits and as if it had been made in other circumstances.

The President suggests that an early occasion be sought to call out from all the nations now at war such an avowal of their respective views as to the terms upon which the war might be concluded and the arrangements which would be deemed satisfactory as a guaranty against its renewal or the kindling of any similar conflict in the future as would make it possible frankly to compare them. He is indifferent as to the means taken to accomplish this. He would be happy himself to serve or even to take the initiative in its accomplishment in any way that might prove acceptable, but he has no desire to determine the method or the instrumentality. One way will be as acceptable to him as another if only the great object he has in mind be attained.

He takes the liberty of calling attention to the fact that the objects which the statesmen of the belligerents on both sides have in mind in this war are virtually the same, as stated in general terms to their own people and to the world. Each side desires to make the rights and privileges of weak peoples and small States as secure against aggression or denial in the future as the rights and privileges of the great and powerful States now at war. Each wishes itself to be made secure in the future, along with all other nations and peoples, against the recurrence of wars like this and against aggression of selfish interference of any kind. Each would be jealous of the formation of any more rival leagues to preserve an uncertain balance of power amidst multiplying suspicions; but each is ready to consider the formation of a league of nations to insure peace and justice throughout the world. Before that final step can be taken, however, each deems it necessary first to settle the issues of the present war upon terms which will certainly safeguard the independence, the territorial integrity, and the political and commercial freedom of the nations involved.

In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and directly interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or Government. They stand ready, and even eager, to coöperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command. But the war must first be concluded. The terms upon which it is to be concluded they are not at liberty to suggest; but the President does feel that it is his right and his duty to point out their intimate interest in its conclusion, lest it should presently be too late to accomplish the greater things which lie beyond its conclusion, lest the situation of neutral nations, now exceedingly hard

to endure, be rendered altogether intolerable, and lest, more than all, an injury be done civilization itself which can never be atoned for or repaired.

The President therefore feels altogether justified in suggesting an immediate opportunity for a comparison of views as to the terms which must precede those ultimate arrangements for the peace of the world, which all desire and in which the neutral nations, as well as those at war, are ready to play their full responsible part. If the contest must continue to proceed towards undefined ends by slow attrition until the one group of belligerents or the other is exhausted, if million after million of human lives must continue to be offered up until on the one side or the other there are no more to offer, if resentments must be kindled that can never cool and despairs engendered from which there can be no recovery, hopes of peace and of the willing concert of free peoples will be rendered vain and idle.

The life of the entire world has been profoundly affected. Every part of the great family of mankind has felt the burden and terror of this unprecedented contest of arms. No nation in the civilized world can be said in truth to stand outside its influence or to be safe against its disturbing effects. And yet the concrete objects for which it is being waged have never been definitively stated.

The leaders of the several belligerents have, as has been said, stated those objects in general terms. But, stated in general terms, they seem the same on both sides. Never yet have the authoritative spokesmen of either side avowed the precise objects which would, if attained, satisfy them and their people that the war had been fought out. The world has been left to conjecture what definitive results, what actual exchange of guarantees, what political or territorial changes or readjustments, what stage of military success even would bring the war to an end.

It may be that peace is nearer than we know; that the terms which the belligerents on the one side and on the other would deem it necessary to insist upon are not so irreconcilable as some have feared; that an interchange of views would clear the way at least for conference and make the permanent concord of the nations a hope of the immediate future, a concert of nations immediately practicable.

The President is not proposing peace; he is not even offering mediation. He is merely proposing that soundings be taken in order that we may learn, the neutral nations with the belligerent, how near the haven of peace may be for which all mankind longs with an intense and increasing longing. He believes that the spirit in which he speaks and the objects which he seeks will be understood by all concerned, and he confidently hopes for a response which will bring a new light into the affairs of the world.

LANEING.

*The Secretary of State to Ambassador Gerard.<sup>1</sup>*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, December 18, 1916.

The President directs me to send you the following communication to be presented immediately to the Minister of Foreign Affairs of the Government to which you are accredited:

The President of the United States has instructed me to suggest to the Imperial German Government a course of action with regard to the present war which he hopes that the Imperial Government will take under consideration as suggested in the most friendly spirit and as coming not only from a friend but also as coming from the representative of a neutral nation whose interests have been most seriously affected by the war and whose concern for its early conclusion arises out of a manifest necessity to determine how best to safeguard those interests if the war is to continue.

The suggestion which I am instructed to make the President has long had it in mind to offer. He is somewhat embarrassed to offer it at this particular time because it may now seem to have been prompted by a desire to play a part in connection with the recent overtures of the Central Powers. It has in fact been in no way suggested by them in its origin and the President would have delayed offering it until those overtures had been independently answered but for the fact that it also concerns the question of peace and may best be considered in connection with other proposals which have the same end in view. The President can only beg that his suggestion be considered entirely on its own merits and as if it had been made in other circumstances.

The President suggests that an early occasion be sought to call out from all the nations now at war such an avowal of their respective views as to the terms upon which the war might be concluded and the arrangements which would be deemed satisfactory as a guaranty against its renewal or the kindling of any similar conflict in the future as would make it possible frankly to compare them. He is indifferent as to the means taken to accomplish this. He would be happy himself to serve, or even to take the initiative in its accomplishment, in any way that might prove acceptable, but he has no desire to determine the method or the instrumentality. One way will be as acceptable to him as another if only the great object he has in mind be attained.

He takes the liberty of calling attention to the fact that the objects

<sup>1</sup> Same, *mutatis mutandis*, to the American Diplomatic Representatives accredited to the Governments of Austria-Hungary, Turkey, and Bulgaria and to all neutral Governments for their information.

which the statesmen of the belligerents on both sides have in mind in this war are virtually the same, as stated in general terms to their own people and to the world. Each side desires to make the rights and privileges of weak peoples and small states as secure against aggression or denial in the future as the rights and privileges of the great and powerful states now at war. Each wishes itself to be made secure in the future, along with all other nations and peoples, against the recurrence of wars like this, and against aggression of selfish interference of any kind. Each would be jealous of the formation of any more rival leagues to preserve an uncertain balance of power amidst multiplying suspicions; but each is ready to consider the formation of a league of nations to insure peace and justice throughout the world. Before that final step can be taken, however, each deems it necessary first to settle the issues of the present war upon terms which will certainly safeguard the independence, the territorial integrity, and the political and commercial freedom of the nations involved.

In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or Government. They stand ready, and even eager, to coöperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command. But the war must first be concluded. The terms upon which it is to be concluded they are not at liberty to suggest; but the President does feel that it is his right and his duty to point out their intimate interest in its conclusion, lest it should presently be too late to accomplish the greater things which lie beyond its conclusion, lest the situation of neutral nations, now exceedingly hard to endure, be rendered altogether intolerable, and lest, more than all, an injury be done civilization itself which can never be atoned for or repaired.

The President therefore feels altogether justified in suggesting an immediate opportunity for a comparison of views as to the terms which must precede those ultimate arrangements for the peace of the world, which all desire and in which the neutral nations as well as those at war are ready to play their full responsible part. If the contest must continue to proceed towards undefined ends by slow attrition until the one group of belligerents or the other is exhausted, if million after million of human lives must continue to be offered up until on the one side or the other there are no more to offer, if resentments must be kindled that can never cool and despairs engendered from which there can be no recovery, hopes of peace and of the willing concert of free peoples will be rendered vain and idle.



The life of the entire world has been profoundly affected. Every part of the great family of mankind has felt the burden and terror of this unprecedented contest of arms. No nation in the civilized world can be said in truth to stand outside its influence or to be safe against its disturbing effects. And yet the concrete objects for which it is being waged have never been definitively stated.

The leaders of the several belligerents have, as has been said, stated those objects in general terms. But stated in general terms, they seem the same on both sides. Never yet have the authoritative spokesmen of either side avowed the precise objects which would, if attained, satisfy them and their people that the war had been fought out. The world has been left to conjecture what definitive results, what actual exchange of guaranties, what political or territorial changes or readjustments, what stage of military success even, would bring the war to an end.

It may be that peace is nearer than we know; that the terms which the belligerents on the one side and on the other would deem it necessary to insist upon are not so irreconcilable as some have feared; that an interchange of views would clear the way at least for conference and make the permanent concord of the nations a hope of the immediate future, a concert of nations immediately practicable.

The President is not proposing peace; he is not even offering mediation. He is merely proposing that soundings be taken in order that we may learn, the neutral nations with the belligerent, how near the haven of peace may be for which all mankind longs with an intense and increasing longing. He believes that the spirit in which he speaks and the objects which he seeks will be understood by all concerned, and he confidently hopes for a response which will bring a new light into the affairs of the world.

LANSING.

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[Translation.]

*The Minister of Guatemala to the Secretary of State.*

LEGATION OF GUATEMALA,  
Washington, December 21, 1916.

HIGHLY ESTEEMED MR. SECRETARY:

With sincere thanks I acknowledge receipt of Your Excellency's note of yesterday and the copies of the instructions sent by direction of His Excellency the President on the 18th of this month to the diplomatic representative accredited to the Entente and the Central Powers, with the humane object that they shortly make known their respective points of view as to terms on which war could be brought



to an end and satisfactory arrangements could be made for the future.

I hasten to call to those very important documents the notice of my Government which I am sure will duly appreciate, as I do now, the elevated and most praiseworthy sentiments which gave them birth and shape in the extraordinary circumstances the world is undergoing.

In the meanwhile, I beg leave to say that I am under special instructions of the President of Guatemala to coöperate in accord with the Government of the United States of America in anything that may be done for the restoration of peace and nothing could give me greater pleasure than to be of service to Your Excellency in whatever way you may be pleased to use me to that end.

I am, etc.,

JOAQUIN MENDEZ.

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*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*Berlin, December 26, 1916.*

Mr. Gerard reports receipt of a note from the German Foreign Office, dated December 26, 1916, as follows:

FOREIGN OFFICE,  
*Berlin, December 26, 1916.*

With reference to the esteemed communication of December 21st, Foreign Office No. 15118, the undersigned has the honor to reply as follows: To His Excellency the Ambassador of the United States of America, Mr. James W. Gerard.

The Imperial Government has accepted and considered in the friendly spirit which is apparent in the communication of the President, noble initiative of the President looking to the creation of bases for the foundation of a lasting peace. The President discloses the aim which lies next to his heart and leaves the choice of the way open. A direct exchange of views appears to the Imperial Government as the most suitable way of arriving at the desired result. The Imperial Government has the honor, therefore, in the sense of its declaration of the 12th instant, which offered the hand for peace negotiations, to propose the speedy assembly, on neutral ground, of delegates of the warring States.

It is also the view of the Imperial Government that the great work for the prevention of future wars can first be taken up only after the

ending of the present conflict of exhaustion. The Imperial Government is ready, when this point has been reached, to coöperate with the United States at this sublime task.

The undersigned, while permitting himself to have recourse to good offices of His Excellency the Ambassador in connection with the transmission of the above reply to the President of the United States, avails himself of this opportunity to renew the assurances of his highest consideration.

ZIMMERMANN.

*Ambassador Elkus to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,

*Constantinople, December 26, 1916.*

In reply to the President's message communicated to the Sublime Porte on the 23d instant, Minister for Foreign Affairs handed me to-day a note of which the following is a translation :

MR. AMBASSADOR :

In reply to the note which Your Excellency was pleased to deliver to me under date of the twenty-third instant, number 2107, containing certain suggestions of the President of the United States, I have the honor to communicate to Your Excellency the following :

The generous initiative of the President, tending to create bases for the reëstablishment of peace, has been received and taken into consideration by the Imperial Ottoman Government in the same friendly obliging (?) which manifests itself in the President's communication. The President indicates the object which he has at heart and leaves open the choice of that path leading to this object. The Imperial Government considers a direct exchange of ideas as the most efficacious means of attaining the desired result.

In conformity with its declaration of the twelfth of this month, in which it stretched forth its hand for peace negotiations, the Imperial Government has the honor of proposing the immediate meeting, in a neutral country, of delegates of the belligerent powers.

The Imperial Government is likewise of opinion that the great work of preventing future wars can only be commenced after the end of the present struggle between the nations. When this moment shall have arrived the Imperial Government will be pleased collaborate with the United States of America and with the other neutral powers in this sublime task.

(Signed)

HALIL.

ELKUS.

*Ambassador Penfield to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
Vienna, December 26, 1916.

Following, dated December 26th, received to-day from Austro-Hungarian Ministry for Foreign Affairs:

## AIDE MEMOIRE.

In reply to the aide memoire communicated on the 22d instant by His Excellency the American Ambassador, containing the proposals of the President of the United States of America for an exchange of views among the powers at present at war for the eventual establishment of peace, the Imperial and Royal Government desires particularly to point out that in considering the noble proposal of the President it is guided by the same spirit of amity and complaisance as finds expression therein.

The President desires to establish a basis for a lasting peace without wishing to indicate the ways and means. The Imperial and Royal Government considers a direct exchange of views among the belligerents to be the most suitable way of attaining this end. Adverting to its declaration of the 12th instant, in which it announced its readiness to enter into peace negotiations, it now has the honor to propose that representatives of the belligerent powers convene at an early date at some place on neutral ground.

The Imperial and Royal Government likewise concurs in the opinion of the President that only after the termination of the present war will it be possible to undertake the great and desirable work of the prevention of future wars. At an appropriate time it will be willing to coöperate with the United States of America for the realization of this noble aim.

PENFIELD.

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*Minister Price to the Secretary of State.*

[Extract.]

No. 1208.]

AMERICAN LEGATION,  
Panama, December 26, 1916.

SIR: I have the honor to report that I addressed a note to the Secretary of Foreign Affairs of Panama transmitting the note of

President Wilson to the Central and Entente Powers, and I am now in receipt of an acknowledgment of the same, a copy and translation of which I inclose.

I have, etc.,

WM. JENNINGS PRICE.

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[Inclosure—Translation.]

No. S—670.]

PANAMA, *December 26, 1916.*

MR. MINISTER:

I have the honor to acknowledge receipt of the important note. F. O. No. 357, of the 20th instant, in the body of which Your Excellency kindly quotes the text of the extensive and, if I may thus express it, now historic communication which His Excellency, the President of the United States of North America has directed to the Entente Powers and to the Central Powers, for the purpose of guiding to an end the horrible sacrifice of which the European Continent is now in great part the scene.

The altruistic attitude assumed by His Excellency, President Wilson, is worthy of the admiration and acknowledgment of all the nations of the world, belligerents as well as neutrals. Panama, in particular, applauds with enthusiasm his noble achievement, which is inspired with superior ideals of peace and justice, and receives with sympathy his commendable words which predicate respect to the rights and privileges of small nations and weak peoples against the transgressions and aggressions of the strong.

This Republic views with satisfaction the beautiful spectacle offered to the world by the Federal American Union in unfurling with courage the banner of peace and proclaiming, by means of the exchange of ideas at the present time, the undying desire for Justice and Right; and hopes that benefits which should result from this wise policy may not have long to wait.

I approve this opportunity to reiterate to Your Excellency the assurances of my high esteem and distinguished consideration.

NARCISO GARAY.

*Memorandum from the Legation of Switzerland.*

LEGATION OF SWITZERLAND,  
*Received December 27, 1916.*

TEXT OF NOTE OF SWISS FEDERAL COUNCIL, OF DECEMBER 23, 1916,  
ADDRESSED TO ALL BELLIGERENTS (NOT YET COMMUNICATED TO  
NEUTRALS).

The President of the United States of America, with whom the Swiss Federal Council, guided by its warm desire that the hostilities may soon come to an end, has, for a considerable time, been in touch, had the kindness to apprise the Federal Council of the peace note sent to the governments of the Central and Entente Powers. In this note President Wilson discusses the great desirability of international agreements for the purpose of avoiding more effectively and permanently the occurrence of catastrophes such as the one under which the peoples are suffering to-day. In this connection he lays particular stress on the necessity for bringing about the end of the present war. Without making peace proposals himself or offering mediation, he confines himself to sounding as to whether mankind may hope to have approached the haven of peace.

The most meritorious personal initiative of President Wilson will find a mighty echo in Switzerland. True to the obligations arising from observing the strictest neutrality, united by the same friendship with the States of both warring groups of Powers, situated like an island amidst the seething waves of the terrible world war, with its ideal and material interests most sensibly jeopardized and violated, our country is filled with a deep longing for peace, and ready to assist by its small means to stop the endless sufferings caused by the war and brought before its eyes by daily contact with the interned, the severely wounded and those expelled, and to establish the foundations for a beneficial coöperation of the peoples.

The Swiss Federal Council is therefore glad to seize the opportunity to support the efforts of the President of the United States. It would consider itself happy if it could act in any, no matter how modest a way, for the rapprochement of the peoples now engaged in the struggle, and for reaching a lasting peace.

*Minister Morris to the Secretary of State.*

[Telegram.]

No. 156.]

AMERICAN LEGATION,  
*Stockholm, December 29, 1916.*

Referring Department's circular twentieth.

Minister Foreign Affairs has given me following note, copies of which he informs me have been sent to Swedish, Danish, and Norwegian Ministers at Berlin, Constantinople, London, Paris, Petrograd, Rome, Vienna, to tender to governments to which they are accredited:

It is with the greatest interest that the Royal Government has learned of the proposals which the President of the United States has just made with a view to facilitating the measures tending towards a lasting peace. While remaining desirous of avoiding all intrusion which could injure legitimate sentiments the Government of the King would consider itself lacking in its duties towards its own people and towards humanity itself if it did not express the most profound sympathy with all the efforts which could contribute to put an end to the progressive accumulation of sufferings and of losses, moral and material. The Royal Government earnestly hopes that the initiative of President Wilson will terminate in a result worthy of the noble spirit with which he is inspired.

MORRIS.

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*Memorandum from the Legation of Sweden.**(Received) December 30, 1916.*

[Translation.]

TEXT OF NOTE DELIVERED BY HIS SWEDISH MAJESTY'S GOVERNMENT TO  
THE GOVERNMENTS OF THE BELLIGERENT NATIONS.

It is with the keenest interest that the Government of the King learned the proposition just made by the President of the United States with a view to facilitating measures tending to the establishment of lasting peace while desiring to avoid any interference that might hurt legitimate feelings. The Government of the King would consider itself remiss in its duty to its own people and the whole of

mankind if it should fail to express its most profound sympathy with every effort that might contribute to bringing to an end the progressive accumulation of suffering and moral and physical losses. It indulges the hope that the initiative of President Wilson will end in a result worthy of the lofty spirit by which he was inspired.

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*Charge Wilson to the Secretary of State.*

No. 529.]

AMERICAN EMBASSY,  
*Madrid, December 30, 1916.*

SIR: Referring to the Embassy's telegram No. 308<sup>1</sup> of December 30, 1916, I have the honor to inclose herewith copies of the Spanish note, accompanied by translation of same, in reply to the circular note of the President to the belligerent and neutral powers, suggesting that all nations now at war should declare their respective views upon what terms the present war might be ended.

I have, etc.,

CHARLES S. WILSON.

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[Inclosure—Translation.]

MINISTRY OF STATE  
No. 118.

*Madrid, December 28, 1916.*

SIR: The Government of His Majesty has received through the Embassy under your worthy charge a copy of a note which the President of the United States has sent to the Belligerent Powers expressing the desire "that an early occasion be sought to call out from all the nations now at war a declaration of their respective views as to the terms upon which the war might be terminated." Accompanying this Note was another Note from you, dated December 22d, 1916, in which the Embassy, in accordance with later instructions from its Government, stated in the name of the President that the moment appeared opportune for the coöperation of the Government of His Majesty and that it should support, if it seemed proper, the attitude adopted by the United States Government.

In view of the praiseworthy desire which the American Government manifests of being seconded in its proposal in favor of peace, the Government of His Majesty believes that, on account of the initia-

<sup>1</sup> Not printed.

tive taken by the President of the United States, and as the diverse opinions which it has produced are already known, the action which Spain is now invited to take by the United States would not be effective, and so much the more because the Central Powers have already expressed their firm intention to discuss conditions of peace with the belligerent powers only.

The Government of His Majesty, appreciating that the noble desire of the President of the United States will always deserve the gratitude of all nations, has resolved not to hinder any negotiation or agreement whatsoever undertaken for the purpose of encouraging the humanitarian work which might end the present war, but will suspend its action, reserving it for such time as those forces which desire peace may be more useful and effective than now, if there should then be reasons for believing its initiative or intervention opportune.

Until this time arrives the Government of His Majesty believes it proper to declare that in everything having reference to an understanding between the neutral powers for the defense of their material interests injured by the war, it is disposed now, as it has been since the beginning of the present strife, to enter into negotiations looking towards an understanding capable of uniting all the nonbelligerent powers which may consider themselves injured and in need of remedying or lessening their losses.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

(Signed) A. GIMENO.

CHARLES S. WILSON, ESQUIRE,  
*Chargé d'Affaires of the United States of America.*

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*Counsul General Murphy to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*Sofia, December 30, 1916.*

Referring circular eighteenth.

Bulgarian foreign minister responds following:

I have had the honor to receive the letter you were pleased to address to me on the 28th of this month to acquaint me with the step taken by Mr. President Wilson in favor of peace, and I hasten to communicate to you the following answer of the Bulgarian Government:

The generous initiative of the President of the United States tending to create bases for the restoration of peace, was cordially received and taken into consideration by the Royal Government in the same



friendly spirit which is evidenced by the presidential communication. The President indicates the object he has at heart and leaves open the choice of the way leading to that object. The Royal Government considers a direct exchange of views to be the most efficacious way to attain the desired end. In accordance with its declaration of the 12th of December inst., which extends a hand for peace negotiations, it has the honor to propose an immediate meeting at one place of delegates of the belligerent powers. The Royal Government shares the view that the great undertaking which consists in preventing future war can only be initiated after the close of present conflict of nations. When that time comes, the Royal Government will be glad to coöperate with the United States of America and other neutral nations in that sublime endeavor.

Be pleased to accept, Mr. Consul General, the assurances of my high consideration.

(Signed.)

DOCTOR RADOSLAVOFF.

MURPHY.

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*Chargé Benson to the Secretary of State.*

No. 858.]

AMERICAN EMBASSY,

*Rio de Janeiro, January 8, 1917.*

SIR: Further to my telegram of to-day, January 8th, 1:00 p. m., I have the honor to inform the Department that I have this day received a note, dated January 6, 1917, from the Minister for Foreign Affairs of Brazil, of which the following is a translation:

I am in possession of note No. 332, received at this Ministry on December 26th, dated December 22nd last, in which in pursuance of instructions received, you transcribe a note which the Government of the United States of America addressed to each one of the Powers now at war, relative to the desirability of the reëstablishment of peace.

I did not fail to bring the text of the said note to the high attention of the President of the Republic, and I am authorized to say that the Government of Brazil, a hearty advocate of international peace and concord, is not indifferent to steps looking toward the re-establishment and stability of such peace and concord. These pacific sentiments, in which the whole Brazilian nation participates, place the Government in the happy situation of being able, without embarrassment to itself, and without lack of consideration toward others, to reserve the right to await the opportunity to coöperate or act in that sense in each instance, which may come under its examination, or which may involve its sovereign rights.

In these terms, the Brazilian Government has taken cognizance

of the said note, and is thankful for the kind communication of its full text.

I have the honor to renew to you, etc.,

I have, etc.,

ALEXANDER BENSON.

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*Minister Reinsch to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
Peking, January 9, 1917.

Minister for Foreign Affairs has written as follows in answer to my note transmitting the President's note to the belligerent powers:

I have examined, with the care which the gravity of the questions raised demands, the note concerning peace which President Wilson has addressed to the Governments of the Allies and the Central Powers now at war and the text of which Your Excellency has been good enough to transmit to me under instructions of your Government.

China, a nation traditionally pacific, has recently again manifested her sentiments in concluding treaties concerning the pacific settlement of international disputes, responding thus to the (. . .)<sup>1</sup> of the peace conferences held at The Hague.

On the other hand the present war, by its prolongation, has seriously affected the interests of China more so perhaps than those of other powers which have remained neutral. She is at present at a time of reorganization which demands economically and industrially the coöperation of foreign countries, coöperation which a large number of them are unable to accord on account of the war in which they are engaged.

In manifesting her sympathy for the spirit of the President's note, having in view the ending as soon as possible of the hostilities, China is but acting in conformity with not only her interest but also with her profound sentiments.

On account of the extent which modern wars are apt to assume and the repercussion which they bring about, their effects are no longer limited to belligerent states. All countries are interested in seeing wars becoming as rare as possible. Consequently China can not but show satisfaction with the views of the Government and people of the United States of America who declare themselves ready and even eager to coöperate when the war is over by all proper means to assure the respect of the principle of the equality of nations what-

<sup>1</sup> Apparent omission.

ever their power may be and to relieve them of the peril of wrong and violence. China is ready to join her efforts with theirs for the attainment of such results which can only be obtained through the help of all.

REINSCH.

*Ambassador Sharp to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
Paris, January 10, 1917.

Copy of Belgian note as follows:

The Government of the King, which has associated itself with the answer handed by the President of the French Council to the American Ambassador on behalf of all, is particularly desirous of paying tribute to the sentiment of humanity which prompted the President of the United States to send his note to the belligerent powers and it highly esteems the friendship expressed for Belgium through his kindly intermediation. It desires as much as Mr. Woodrow Wilson to see the present war ended as early as possible.

But the President seems to believe that the statesmen of the two opposing camps pursue the same objects of war. The example of Belgium unfortunately demonstrates that this is in no wise the fact. Belgium has never, like the Central Powers, aimed at conquests. The barbarous fashion in which the German Government has treated, and is still treating, the Belgian nation, does not permit the supposition that Germany will preoccupy herself with guaranteeing in the future the rights of the weak nations which she has not ceased to trample under foot since the war, let loose by her, began to desolate Europe. On the other hand, the Government of the King has noted with pleasure and with confidence the assurances that the United States is impatient to coöperate in the measures which will be taken after the conclusion of peace, to protect and guarantee the small nations against violence and oppression.

Previous to the German ultimatum, Belgium only aspired to live upon good terms with all her neighbors; she practiced with scrupulous loyalty towards each one of them the duties imposed by her neutrality. In the same manner she has been rewarded by Germany for the confidence she placed in her, through which, from one day to the other, without any plausible reason, her neutrality was violated, and the Chancellor of the Empire when announcing to the Reichstag this violation of right and of treaties, was obliged to recognize the iniquity of such an act and predetermine that it would be repaired. But the Germans, after the occupation of Belgium territory, have displayed no better observance of the rules of international law or the stipu-

lations of The Hague Convention. They have, by taxation, as heavy as it is arbitrary, drained the resources of the country; they have intentionally ruined its industries, destroyed whole cities, put to death and imprisoned a considerable number of inhabitants. Even now, while they are loudly proclaiming their desire to put an end to the horrors of war, they increase the rigors of the occupation by deporting into servitude Belgian workers by the thousands.

If there is a country which has the right to say that it has taken up arms to defend its existence, it is assuredly Belgium. Compelled to fight or to submit to shame, she passionately desires that an end be brought to the unprecedented sufferings of her population. But she could only accept a peace which would assure her, as well as equitable reparation, security and guarantees for the future.

The American people, since the beginning of the war, has manifested for the oppressed Belgian nation its most ardent sympathy. It is an American committee, the Commission for Relief in Belgium, which, in close union with the Government of the King and the National Committee, displays an untiring devotion and marvelous activity in re-victualling Belgium. The Government of the King is happy to avail itself of this opportunity to express its profound gratitude to the Commission for Relief as well as to the generous Americans eager to relieve the misery of the Belgian population. Finally, nowhere more than in the United States have the abductions and deportations of Belgian civilians provoked such a spontaneous movement of protestation and indignant reproof.

These facts, entirely to the honor of the American nation, allow the Government of the King to entertain the legitimate hope that at the time of the definitive settlement of this long war, the voice of the Entente Powers will find in the United States a unanimous echo to claim in favor of the Belgian nation, innocent victim of German ambition and covetousness, the rank and the place which its irreproachable past, the valor of its soldiers, its fidelity to honor and its remarkable faculties for work assign to it among the civilized nations.

SHARP.

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*Ambassador Sharp to the Secretary of State.*

[Telegram.]

No. 1806.]

AMERICAN EMBASSY,  
*Paris, January 10, 1917.*

The following is the translation of the French note:

The Allied Governments have received the note which was delivered to them in the name of the Government of the United States on the nineteenth of December, 1916. They have studied it with the care imposed upon them both by the exact realization which they have of

the gravity of the hour and by the sincere friendship which attaches them to the American people.

In general way they wish to declare that they pay tribute to the elevation of the sentiment with which the American note is inspired and that they associate themselves with all their hopes with the project for the creation of a league of nations to insure peace and justice throughout the world. They recognize all the advantages for the cause of humanity and civilization which the institution of international agreements, destined to avoid violent conflicts between nations, would prevent; agreements which must imply the sanctions necessary to insure their execution and thus to prevent an apparent security from only facilitating new aggressions. But a discussion of future arrangements destined to insure an enduring peace presupposes a satisfactory settlement of the actual conflict; the Allies have as profound a desire as the Government of the United States to terminate as soon as possible a war for which the Central Empires are responsible and which inflicts such cruel sufferings upon humanity. But they believe that it is impossible at the present moment to attain a peace which will assure them reparation, restitution, and such guarantees to which they are entitled by the aggression for which the responsibility rests with the Central Powers and of which the principle itself tended to ruin the security of Europe; a peace which would on the other hand permit the establishment of the future of European nations on a solid basis. The Allied nations are conscious that they are not fighting for selfish interests, but above all to safeguard the independence of peoples, of right, and of humanity.

The Allies are fully aware of the losses and suffering which the war causes to neutrals as well as to belligerents and they deplore them; but they do not hold themselves responsible for them, having in no way either willed or provoked this war, and they strive to reduce these damages in the measure compatible with the inexorable exigencies of their defense against the violence and the wiles of the enemy.

It is with satisfaction therefore that they take note of the declaration that the American communication is in nowise associated in its origin with that of the Central Powers transmitted on the eighteenth of December by the Government of the United States. They did not doubt moreover the resolution of that Government to avoid even the appearance of a support, even moral, of the authors responsible for the war.

The Allied Governments believe that they must protest in the most friendly but in the most specific manner against the assimilation established in the American note between the two groups of belligerents; this assimilation, based upon public declarations by the Central Powers, is in direct opposition to the evidence, both as regards responsibility for the past and as concerns guarantees for the future; President Wilson in mentioning it certainly had no intention of associating himself with it.

If there is an historical fact established at the present date, it is the willful aggression of Germany and Austria-Hungary to insure their hegemony over Europe and their economic domination over the world. Germany proved by her declaration of war, by the immediate violation of Belgium and Luxemburg and by her manner of conducting the war, her simulating contempt for all principles of humanity and all respect for small states; as the conflict developed the attitude of the Central Powers and their Allies has been a continual defiance of humanity and civilization. Is it necessary to recall the horrors which accompanied the invasion of Belgium and of Servia, the atrocious régime imposed upon the invaded countries, the massacre of hundreds of thousands of inoffensive Armenians, the barbarities perpetrated against the populations of Syria, the raids of Zeppelins on open towns, the destruction by submarines of passenger steamers and of merchantmen even under neutral flags, the cruel treatment inflicted upon prisoners of war, the juridical murders of Miss Cavel, of Captain Fryatt, the deportation and the reduction to slavery of civil populations, et cetera? The execution of such a series of crimes perpetrated without any regard for universal reprobation fully explains to President Wilson the protest of the Allies.

They consider that the note which they sent to the United States in reply to the German note will be a response to the questions put by the American Government, and according to the exact words of the latter, constitute "a public declaration as to the conditions upon which the war could be terminated."

President Wilson desires more: he desires that the belligerent powers openly affirm the objects which they seek by continuing the war; the Allies experience no difficulty in replying to this request. Their objects in the war are well known; they have been formulated on many occasions by the chiefs of their divers Governments. Their objects in the war will not be made known in detail with all the equitable compensations and indemnities for damages suffered until the hour of negotiations. But the civilized world knows that they imply in all necessity and in the first instance the restoration of Belgium, of Servia, and of Montenegro and the indemnities which are due them; the evacuation of the invaded territories of France, of Russia and of Roumania with just reparation; the reorganization of Europe, guaranteed by a stable régime and founded as much upon respect of nationalities and full security and liberty, economic development, which all nations, great or small, possess, as upon territorial conventions and international agreements suitable to guarantee territorial and maritime frontiers against unjustified attacks; the restitution of provinces or territories wrested in the past from the Allies by force or against the will of their populations, the liberation of Italians, of Slavs, of Roumanians and of Tcheco Slovaques from foreign domination; the enfranchisement of populations subject to the bloody

tyranny of the Turks; the expulsion from Europe of the Ottoman Empire decidedly (. . .)<sup>1</sup> to western civilization. The intentions of His Majesty the Emperor of Russia regarding Poland have been clearly indicated in the proclamation which he has just addressed to his armies. It goes without saying that if the Allies wish to liberate Europe from the brutal covetousness of Prussian militarism, it never has been their design, as has been alleged, to encompass the extermination of the German peoples and their political disappearance. That which they desire above all is to insure a peace upon the principles of liberty and justice, upon the inviolable fidelity to international obligation with which the Government of the United States has never ceased to be inspired.

United in the pursuits of this supreme object the Allies are determined, individually and collectively, to act with all their power and to consent to all sacrifices to bring to a victorious close a conflict upon which they are convinced not only their own safety and prosperity depends but also the future of civilization itself.

SHARP.

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*Minister Jeffrey to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN LEGATION,  
*Montevideo, January 12, 1917.*

Mr. Jeffrey reports receipt of a communication from the Minister for Foreign Affairs of Uruguay as follows:

I desire to point out the sympathy with which Uruguay views all questions that, having the good will of the warring powers, will tend to terminate this state of war and initiate among all the nations of the world the reign of peace and right.

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*Memorandum from British Embassy.<sup>2</sup>*

FOREIGN OFFICE,  
*London, January 13, 1917.*

SIR: In sending you a translation of the Allied Note I desire to make the following observations, which you should bring to the notice of the United States Government.

<sup>1</sup> Apparent omission.

<sup>2</sup> Received at the Department of State from the British Ambassador January 16, 1917.

I gather from the general tenour of the President's note that while he is animated by an intense desire that peace should come soon and that when it comes it should be lasting, he does not for the moment at least concern himself with the terms on which it should be arranged. His Majesty's Government entirely share the President's ideas, but they feel strongly that the durability of peace must largely depend on its character and that no stable system of international relations can be built on foundations which are essentially and hopelessly defective.

This becomes clearly apparent if we consider the main conditions which rendered possible the calamities from which the world is now suffering. These were the existence of great powers consumed with the lust of domination in the midst of a community of nations ill prepared for defence, plentifully supplied indeed with international laws, but with no machinery for enforcing them and weakened by the fact that neither the boundaries of the various States nor their internal constitution harmonized with the aspirations of their constituent races or secured to them just and equal treatment.

That this last evil would be greatly mitigated if the Allies secured the changes in the map of Europe outlined in their joint note is manifest, and I need not labour the point.

It has been argued, indeed, that the expulsion of the Turks from Europe forms no proper or logical part of this general scheme. The maintenance of the Turkish Empire was, during many generations, regarded by statesmen of world-wide authority as essential to the maintenance of European peace. Why, is it asked, should the cause of peace be now associated with a complete reversal of this traditional policy?

The answer is that circumstances have completely changed. It is unnecessary to consider now whether the creation of a reformed Turkey, mediating between hostile races in the Near East, was a scheme which, had the Sultan been sincere and the powers united, could ever have been realized. It certainly can not be realized now. The Turkey of "Union and Progress" is at least as barbarous and is far more aggressive than the Turkey of Sultan Abdul Hamid. In the hands of Germany it has ceased even in appearance to be a bulwark of peace and is openly used as an instrument of conquest. Under German officers Turkish soldiers are now fighting in lands from which they had long been expelled, and a Turkish Government, con-



trolled, subsidized and supported by Germany, has been guilty of massacres in Armenia and Syria more horrible than any recorded in the history even of those unhappy countries. Evidently the interests of peace and the claims of nationality alike require that Turkish rule over alien races shall if possible be brought to an end; and we may hope that the expulsion of Turkey from Europe will contribute as much to the cause of peace as the restoration of Alsace-Lorraine to France, of Italia Irredenta to Italy, or of any of the other territorial changes indicated in the Allied Note.

Evidently, however, such territorial rearrangements, though they may diminish the occasions of war, provide no sufficient security against its recurrence. If Germany, or rather those in Germany who mold its opinions and control its destinies, again set out to domineer the world, they may find that by the new order of things the adventure is made more difficult, but hardly that it is made impossible. They may still have ready to their hand a political system organized through and through on a military basis; they may still accumulate vast stores of military equipment; they may still persist in their methods of attack, so that their more pacific neighbours will be struck down before they can prepare themselves for defence. If so, Europe when the war is over will be far poorer in men, in money, and in mutual good will than it was when the war began but it will not be safer; and the hopes for the future of the world entertained by the President will be as far as ever from fulfilment.

There are those who think that for this disease International Treaties and International Laws may provide a sufficient cure. But such persons have ill learned the lessons so clearly taught by recent history. While other nations, notably the United States of America and Britain, were striving by treaties of arbitration to make sure that no chance quarrel should mar the peace they desired to make perpetual, Germany stood aloof. Her historians and philosophers preached the splendours of war, power was proclaimed as the true end of the State and the General Staff forged with untiring industry the weapons by which at the appointed moment power might be achieved. These facts proved clearly enough that Treaty arrangements for maintaining peace were not likely to find much favour at Berlin; they did not prove that such Treaties once made would be utterly ineffectual. This became evident only when war had broken out, though the demonstration, when it came, was overwhelming. So long as Germany

remains the Germany which without a shadow of justification overran and barbarously ill-treated a country it was pledged to defend, no State can regard its rights as secure if they have no better protection than a solemn Treaty.

The case is made worse by the reflection that these methods of calculated brutality were designed by the Central Powers not merely to crush to the dust those with whom they were at war but to intimidate those with whom they were still at peace. Belgium was not only a victim, it was an example. Neutrals were intended to note the outrages which accompanied its conquest, the reign of terror which followed on its occupation, the deportation of a portion of its population, the cruel oppression of the remainder. And lest the nations happily protected either by British Fleets or by their own from German Armies should suppose themselves safe from German methods, the submarine has (within its limits) assiduously imitated the barbarous practices of the sister service. The War Staffs of the Central Powers are well content to horrify the world if at the same time they can terrorize it.

If then the Central Powers succeed, it will be to methods like these that they will owe their success. How can any reform of International relations be based on a peace thus obtained? Such a peace would represent the triumph of all the forces which make war certain and make it brutal. It would advertise the futility of all the methods on which civilization relies to eliminate the occasions of International dispute and to mitigate their ferocity. Germany and Austria made the present war inevitable by attacking the rights of one small State, and they gained their initial triumphs by violating the Treaty guarantees of the territories of another. Are small States going to find in them their future protectors or in Treaties made by them a bulwark against aggression? Terrorism by land and sea will have proved itself the instrument of victory. Are the victors likely to abandon it on the appeal of neutrals? If existing Treaties are no more than scraps of paper, can fresh Treaties help us? If the violation of the most fundamental canons of International Law be crowned with success, will it not be in vain that the assembled nations labour to improve their code? None will profit by their rules but Powers who break them. It is those who keep them that will suffer.

Though, therefore, the people of this country share to the full the desire of the President for peace, they do not believe peace can be

durable if it be not based on the success of the Allied cause. For a durable peace can hardly be expected unless three conditions are fulfilled. The first is that existing causes of international unrest should be, as far as possible, removed or weakened. The second is that the aggressive aims and the unscrupulous methods of the Central Powers should fall into disrepute among their own peoples. The third is that behind international law and behind all Treaty arrangements for preventing or limiting hostilities some form of international sanction should be devised which would give pause to the hardest aggressor. These conditions may be difficult of fulfilment. But we believe them to be in general harmony with the President's ideas and we are confident that none of them can be satisfied, even imperfectly, unless peace be secured on the general lines indicated (so far as Europe is concerned) in the joint note. Therefore it is that this country has made, is making, and is prepared to make sacrifices of blood and treasure unparalleled in its history. It bears these heavy burdens not merely that it may thus fulfil its Treaty obligations nor yet that it may secure a barren triumph of one group of nations over another. It bears them because it firmly believes that on the success of the Allies depend the prospects of peaceful civilization and of those International reforms which the best thinkers of the New World, as of the Old, dare to hope may follow on the cessation of our present calamities.

I am, etc.,                      (Signed)                      ARTHUR JAMES BALFOUR,  
His Excellency,  
The Right Honourable,  
SIR CECIL SPRING RICE, G. C. M. G.,  
etc., etc., etc.

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[Translation.]

*The Chargé of Greece to the Secretary of State.*

No. 64.]

ROYAL LEGATION OF GREECE,  
Washington, January 15, 1917.

MR. SECRETARY OF STATE:

Pursuant to the orders I have just received from my Government, I have the honor to communicate herein below to Your Excellency the

answer of the Royal Government to the communication of the peace proposal which the Government of the United States was pleased to forward to it through its representative at Athens.

The note bore date of January 8.

The Royal Government acquainted itself with the most lively interest with the step which the President of the United States of America has just taken with a view to the termination of a long and cruel war that is raging among men. Very sensible to the communication that has been made to it, the Royal Government highly appreciates the generous impulse as well as the thoroughly humane and profoundly politic spirit which prompted the suggestion.

Coming from the Learned Statesman who presides over the destinies of the great American Republic and looking to a peace honorable for all as well as to the strengthening of beneficent stability in international relations, it constitutes a memorable page in History. The remarks therein made about the sufferings of neutral nations by reason of the colossal conflict and also about the guarantees which would be equally desired by the two belligerent parties for the rights and privileges of every State have particularly struck a sympathetic echo in the Greek soul. Indeed there is no country that has had so much to suffer from that war as Greece, although it kept aloof from it.

Owing to exceptionally tragic circumstances it has been less able than the other neutral countries to escape a direct and pernicious action of the hostilities between the belligerents. Its geographical situation contributed to weakening its power to resist violations of its neutrality and sovereignty to which it had to submit for the sake of self-conservation.

At this very moment deprived of its fleet and nearly disarmed, our country, pestered by a sham revolt which is taking advantage of foreign occupation, is hemmed in through a strict blockade which cuts off all communication with neutrals and exposes to starvation the whole population, including absolutely harmless persons, old men, women, who under the elemental principles of the law of nations should be spared, even though Greece were a belligerent. Yet Greece is still endeavoring to remain neutral by every possible means. Nothing more need be said to show how any initiative conducive to peace, apart from humane considerations of a general character, is apt to serve Greece's vital interests.

The Royal Government would certainly have hastened to the front rank of those who acceded to the noble motion of the President of the United States of America in order to endeavor as far as it lay in its power to have it crowned with success. If it had not been excluded from communication with one of the belligerents while with the others it had to wait for a settlement of the grievous difficulties which now bear upon the situation of Greece.

But the Royal Government with the full intensity of its soul watches the invaluable effort of the President of the United States of America, desiring its earliest possible success, and forms the most sincere wishes that it will succeed. Having from the very first days of the European war had in mind the establishment of a contact among the neutrals for the safeguard of their common interests, it is glad of the opportunity now offered to have an early exchange of views should it be deemed opportune and declare itself ready to join when the time comes in any action aiming at the consolidation of a stable state of peace by which the rights of all the States will be secured and their sovereignty and independence guaranteed.

Be pleased, etc.,

A. VOURON.

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*Minister Ewing to the Secretary of State.*

No. 390.]

AMERICAN LEGATION,  
*Tegucigalpa, January 19, 1917.*

SIR: I have the honor to submit herewith a translation of the Honduran Government's reply to this Legation's note of December 20th, last, transmitting the text of the Department's cabled circular of December 18th, paraphrasing the note addressed to the several belligerent nations by the President of the United States.

I have, etc.,

JNO. EWING.

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[Inclosure—Translation.]

MINISTRY OF FOREIGN RELATIONS,  
OF THE REPUBLIC OF HONDURAS,  
*Tegucigalpa, December 23, 1916.*

MR. MINISTER:

I have had the honor to receive Your Excellency's courteous communication dated the twentieth of the present month, in which was inserted the text of an important note addressed recently, at the order of His Excellency, the President of the United States, by the Honorable Robert Lansing, Secretary of State, to the Nations at present at war, with the design to support and foment, if possible, a sentiment for peace.

While the transmission of this document is only for information, as expressed in Your Excellency's note, my Government cannot do less than to accord it the most attentive consideration and to applaud the noble and humanitarian suggestion of Your Excellency's Govern-

ment that the Belligerent Nations consider the terms under which the war might be terminated and the guarantees each considers necessary to avoid its repetition, or renewal in the future.

The enormous sacrifices which are occasioned to the whole world by the present war, which is, without question, the greatest and most destructive recorded in human history, is an argument in favor of the opportuneness of all movements for peace suggested at whatever time, and Your Excellency's Government will receive the credit for the attempt, no matter what definite results may be obtained.

The Government of Honduras desires to express to the illustrious Government of the United States, through the medium of Your Excellency, its high appreciation of that Government's attitude in favor of peace, as expressed in the note to which I have made reference.

Thanking Your Excellency for the terms in which you were pleased to address to me the document mentioned,

I take, etc.,

MARIANO VÁSQUEZ.

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*Minister Caldwell to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN LEGATION,  
*Teheran, January 19, 1917.*

Mr. Caldwell transmits at request of the Persian Minister for Foreign Affairs the more important portion of the reply to the peace suggestions of the President of the United States, as follows:

The Minister for Foreign Affairs acknowledges receipt of the circular note of the President of the United States, which was communicated by the American Minister.

The Persian Government appreciates and would help in this high-minded step. In associating themselves with this plea they earnestly hope it will bear fruit. The Government of the United States knows that when the flames of war were kindled the Persian Government declared its neutrality and sought to maintain it.

It was a matter of real distress to the Imperial Government to see the conflagration spread over the important parts of its territory, which, because of her slight powers of resistance, has become almost unbearable and has inflicted upon Persia moral and material prejudice and losses.

The Persian Government feels sure that the advantages and blessings of peace can be obtained only after measures have been taken to guarantee neutral powers in the future against recurrence of such aggressions.

The interest and concern shown by the President to adopt measures to secure the peace of the world in the future and improve the condition of neutral powers and protect weak nations against the encroachments of more powerful nations inspire the Persian nation with the confidence that all neutral states will hasten to take advantage of this declaration, and it hopes they will be admitted to take their part in the negotiations and ultimate arrangements of the world peace. In this way they will be in position to uphold their political independence and the inviolability of their rights and privileges.

The Government notes with pleasure the President's desire to concur and his determination to cooperate in the achievement of this object and expresses its gratitude for his pledge of support to this end.

The note is signed by the Persian Minister for Foreign Affairs and the Prime Minister.

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*Minister McMullin to the Secretary of State.*

AMERICAN LEGATION,  
Lima, January 20, 1917.

SIR: Referring to Department's circular cablegrams of December 18 and 20 regarding peace; my dispatch of December 26,<sup>1</sup> 1916, and my telegram of January 19,<sup>1</sup> 4 p. m., I have the honor to report:

That, as indicated in my dispatch of December 26, 1916, I delivered Department's circular cablegram of December 18 to the Peruvian Minister for Foreign Affairs. As reported in my cable of January 19, 4 p. m., I received from the Peruvian Minister for Foreign Affairs the reply of the Peruvian Government to the peace proposition embraced in Department's circular telegram of December 18. I send herewith a literal copy in Spanish and also the English translation thereof.

I have, etc.,

BENTON McMILLIN.

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[Inclosure—Translation.]

No. 3.]

Lima, January 16, 1917.

MR. MINISTER:

It has been an honor to me to receive Your Excellency's note of December 20, last, in which, by instructions of your Government,

<sup>1</sup> Not printed

Your Excellency was pleased to transmit to me a copy of the communication that the Honorable Secretary of State, in the name of the President of the United States, has sent to the nations which form the Entente in the European War, insinuating to them that an immediate opportunity be sought for all the belligerent countries to make known their ideas on the condition under which an end can be put to the War and a satisfactory guarantee be reached against the renewal of it or against the breaking out of new wars in the future; a communication which is substantially like that directed to the Central Powers, accepting the modifications expressed in the same note of Your Excellency.

I have read with the greatest care and have made known to the President of the Republic the important communication of the Honorable Mr. Lansing, which reveals at first sight the noble motive that has inspired it. My Government, on being acquainted with it, makes the most sincere wishes that the initiative of President Wilson may produce the results sought with regard to the reëstablishment of peace, and holds the idea of the American Government and people on the necessity of procuring, if possible, the future tranquillity of the world and is firm in the interest manifested for the means that urgently must be adopted to free the smallest and weakest nations from the danger of injustice and violence to which they are exposed. The moment having arrived which the Government of the United States considers opportune to give practical form to those very noble purposes, which after reëstablishing normal conditions will tend toward the reign of Peace by Justice, Peru will lend to them her most active sympathy, consistent with its traditions and with the sound doctrines to whose service she has always put her most devoted efforts.

May Your Excellency deign to transmit to your Government the gratefulness of mine for the very valuable information which it has been pleased to give; and accept, etc.,

E. DE LA RIVA AGUERO.



## PART XII.

### PRESIDENT WILSON'S ADDRESS OF JANUARY 22, 1917.

#### *Memorandum to the German Embassy.<sup>1</sup>*

The Secretary of State presents his compliments to the Imperial German Ambassador and has the honor to inclose for his information a copy of the address delivered by the President of the United States to the Senate thereof on January 22, 1917.

DEPARTMENT OF STATE,  
Washington, January 22, 1917.

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[Inclosure.]

ADDRESS OF THE PRESIDENT TO THE SENATE OF THE  
UNITED STATES, 22 JANUARY, 1917.

#### GENTLEMEN OF THE SENATE:

On the eighteenth of December last I addressed an identic note to the governments of the nations now at war requesting them to state, more definitely than they had yet been stated by either group of belligerents, the terms upon which they would deem it possible to make peace. I spoke on behalf of humanity and of the rights of all neutral nations like our own, many of whose most vital interests the war puts in constant jeopardy. The Central Powers united in a reply which stated merely that they were ready to meet their antagonists in conference to discuss terms of peace. The Entente Powers have replied much more definitely and have stated, in general terms, indeed, but with sufficient definiteness to imply details, the arrangements, guarantees, and acts of reparation which they deem to be the indispensable conditions of a satisfactory settlement. We are that much nearer a definite discussion of the peace which shall end the present war. We are that much nearer the discussion of the international concert which must thereafter hold the world at peace. In every discussion of the peace that must end this war it is taken

<sup>1</sup> Same, *mutatis mutandis*, to other Missions in United States.

for granted that that peace must be followed by some definite concert of power which will make it virtually impossible that any such catastrophe should ever overwhelm us again. Every lover of mankind, every sane and thoughtful man must take that for granted.

I have sought this opportunity to address you because I thought that I owed it to you, as the council associated with me in the final determination of our international obligations, to disclose to you without reserve the thought and purpose that have been taking form in my mind in regard to the duty of our Government in the days to come when it will be necessary to lay afresh and upon a new plan the foundations of peace among the nations.

It is inconceivable that the people of the United States should play no part in that great enterprise. To take part in such a service will be the opportunity for which they have sought to prepare themselves by the very principles and purposes of their polity and the approved practices of their Government ever since the days when they set up a new nation in the high and honorable hope that it might in all that it was and did show mankind the way to liberty. They cannot in honor withhold the service to which they are now about to be challenged. They do not wish to withhold it. But they owe it to themselves and to the other nations of the world to state the conditions under which they will feel free to render it.

That service is nothing less than this, to add their authority and their power to the authority and force of other nations to guarantee peace and justice throughout the world. Such a settlement can not now be long postponed. It is right that before it comes this Government should frankly formulate the conditions upon which it would feel justified in asking our people to approve its formal and solemn adherence to a League for Peace. I am here to attempt to state those conditions.

The present war must first be ended; but we owe it to candor and to a just regard for the opinion of mankind to say that, so far as our participation in guarantees of future peace is concerned, it makes a great deal of difference in what way and upon what terms it is ended. The treaties and agreements which bring it to an end must embody terms which will create a peace that is worth guaranteeing and preserving, a peace that will win the approval of mankind, not merely a peace that will serve the several interests and immediate aims of the nations engaged. We shall have no voice in determining what those terms shall be, but we shall, I feel sure, have a voice in determining whether they shall be made lasting or not by the guarantees of a universal covenant; and our judgment upon what is fundamental and essential as a condition precedent to permanency should be spoken now, not afterwards when it may be too late.

No covenant of coöperative peace that does not include the peoples

of the New World can suffice to keep the future safe against war; and yet there is only one sort of peace that the peoples of America could join in guaranteeing. The elements of that peace must be elements that engage the confidence and satisfy the principles of the American governments, elements consistent with their political faith and with the practical convictions which the peoples of America have once for all embraced and undertaken to defend.

I do not mean to say that any American government would throw any obstacle in the way of any terms of peace the Governments now at war might agree upon, or seek to upset them when made, whatever they might be. I only take it for granted that mere terms of peace between the belligerents will not satisfy even the belligerents themselves. Mere agreements may not make peace secure. It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected that no nation, no probable combination of nations could face or withstand it. If the peace presently to be made is to endure, it must be a peace made secure by the organized major force of mankind.

The terms of the immediate peace agreed upon will determine whether it is a peace for which such a guarantee can be secured. The question upon which the whole future peace and policy of the world depends is this: Is the present war a struggle for a just and secure peace, or only for a new balance of power? If it be only a struggle for a new balance of power, who will guarantee, who can guarantee, the stable equilibrium of the new arrangement? Only a tranquil Europe can be a stable Europe. There must be, not a balance of power, but a community of power; not organized rivalries, but an organized common peace.

Fortunately we have received very explicit assurances on this point. The statesmen of both of the groups of nations now arrayed against one another have said, in terms that could not be misinterpreted, that it was no part of the purpose they had in mind to crush their antagonists. But the implications of these assurances may not be equally clear to all—may not be the same on both sides of the water. I think it will be serviceable if I attempt to set forth what we understand them to be.

They imply, first of all, that it must be a peace without victory. It is not pleasant to say this. I beg that I may be permitted to put my own interpretation upon it and that it may be understood that no other interpretation was in my thought. I am seeking only to face realities and to face them without soft concealments. Victory would mean peace forced upon the loser, a victor's terms imposed upon the vanquished. It would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, a resent-

ment, a bitter memory upon which terms of peace would rest, not permanently, but only as upon quicksand. Only a peace between equals can last. Only a peace the very principle of which is equality and a common participation in a common benefit. The right state of mind, the right feeling between nations, is as necessary for a lasting peace as is the just settlement of vexed questions of territory or of racial and national allegiance.

The equality of nations upon which peace must be founded if it is to last must be an equality of rights; the guarantees exchanged must neither recognize nor imply a difference between big nations and small, between those that are powerful and those that are weak. Right must be based upon the common strength, not upon the individual strength, of the nations upon whose concert peace will depend. Equality of territory or of resources there of course can not be; nor any other sort of equality not gained in the ordinary peaceful and legitimate development of the peoples themselves. But no one asks or expects anything more than an equality of rights. Mankind is looking now for freedom of life, not for equipoises of power.

And there is a deeper thing involved than even equality of right among organized nations. No peace can last, or ought to last, which does not recognize and accept the principle that governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property. I take it for granted, for instance, if I may venture upon a single example, that statesmen everywhere are agreed that there should be a united, independent, and autonomous Poland, and that henceforth inviolable security of life, of worship, and of industrial and social development should be guaranteed to all peoples who have lived hitherto under the power of governments devoted to a faith and purpose hostile to their own.

I speak of this, not because of any desire to exalt an abstract political principle which has always been held very dear by those who have sought to build up liberty in America, but for the same reason that I have spoken of the other conditions of peace which seem to me clearly indispensable—because I wish frankly to uncover realities. Any peace which does not recognize and accept this principle will inevitably be upset. It will not rest upon the affections or the convictions of mankind. The ferment of spirit of whole populations will fight subtly and constantly against it, and all the world will sympathize. The world can be at peace only if its life is stable, and there can be no stability where the will is in rebellion, where there is not tranquillity of spirit and a sense of justice, of freedom, and of right.

So far as practicable, moreover, every great people now struggling towards a full development of its resources and of its powers should be assured a direct outlet to the great highways of the sea. Where

this cannot be done by the cession of territory, it can no doubt be done by the neutralization of direct rights of way under the general guarantee which will assure the peace itself. With a right comity of arrangement no nation need be shut away from free access to the open paths of the world's commerce.

And the paths of the sea must alike in law and in fact be free. The freedom of the seas is the *sine qua non* of peace, equality, and coöperation. No doubt a somewhat radical reconsideration of many of the rules of international practice hitherto thought to be established may be necessary in order to make the seas indeed free and common in practically all circumstances for the use of mankind, but the motive for such changes is convincing and compelling. There can be no trust or intimacy between the peoples of the world without them. The free, constant, unthreatened intercourse of nations is an essential part of the process of peace and of development. It need not be difficult either to define or to secure the freedom of the seas if the governments of the world sincerely desire to come to an agreement concerning it.

It is a problem closely connected with the limitation of naval armaments and the coöperation of the navies of the world in keeping the seas at once free and safe, and the question of limiting naval armaments opens the wider and perhaps more difficult question of the limitation of armies and of all programmes of military preparation. Difficult and delicate as these questions are, they must be faced with the utmost candor and decided in a spirit of real accommodation if peace is to come with healing in its wings, and come to stay. Peace cannot be had without concession and sacrifice. There can be no sense of safety and equality among the nations if great preponderating armaments are henceforth to continue here and there to be built up and maintained. The statesmen of the world must plan for peace and nations must adjust and accommodate their policy to it as they have planned for war and made ready for pitiless contest and rivalry. The question of armaments, whether on land or sea, is the most immediately and intensely practical question connected with the future fortunes of nations and of mankind.

I have spoken upon these great matters without reserve and with the utmost explicitness because it has seemed to me to be necessary if the world's yearning desire for peace was anywhere to find free voice and utterance. Perhaps I am the only person in high authority amongst all the peoples of the world who is at liberty to speak and hold nothing back. I am speaking as an individual, and yet I am speaking also, of course, as the responsible head of a great government, and I feel confident that I have said what the people of the United States would wish me to say. May I not add that I hope and believe that I am in effect speaking for liberals and friends of humanity in every nation and of every programme of liberty? I

would fain believe that I am speaking for the silent mass of mankind everywhere who have as yet had no place or opportunity to speak their real hearts out concerning the death and ruin they see to have come already upon the persons and the homes they hold most dear.

And in holding out the expectation that the people and Government of the United States will join the other civilized nations of the world in guaranteeing the permanence of peace upon such terms as I have named, I speak with the greater boldness and confidence because it is clear to every man who can think that there is in this promise no breach in either our traditions or our policy as a nation, but a fulfillment, rather, of all that we have professed or striven for.

I am proposing, as it were, that the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world: that no nation should seek to extend its polity over any other nation or people, but that every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful.

I am proposing that all nations henceforth avoid entangling alliances which would draw them into competitions of power, catch them in a net of intrigue and selfish rivalry, and disturb their own affairs with influences intruded from without. There is no entangling alliance in a concert of power. When all unite to act in the same sense and with the same purpose, all act in the common interest and are free to live their own lives under a common protection.

I am proposing government by the consent of the governed; that freedom of the seas which in international conference after conference representatives of the United States have urged with the eloquence of those who are the convinced disciples of liberty; and that moderation of armaments which makes of armies and navies a power for order merely, not an instrument of aggression or of selfish violence.

These are American principles, American policies. We could stand for no others. And they are also the principles and policies of forward looking men and women everywhere, of every modern nation, of every enlightened community. They are the principles of mankind and must prevail.

### PART XIII.

#### PROPOSALS OF THE DE FACTO GOVERNMENT OF MEXICO FOR TERMINATING THE EUROPEAN WAR.

*Mr. Ramón P. De Negri to the Secretary of State.*

[Translation.]

MEXICAN EMBASSY,  
Washington, February 12, 1917.

MR. SECRETARY:

I have the honor to transcribe to your excellency the following note, which the Secretary of Foreign Relations of my country has been pleased to write to me:

QUERÉTARO, February 11, 1917.

SEÑOR RAMÓN P. DE NEGRI, Washington, D. C.: Please transcribe to the most excellent the minister of foreign relations of that country the following note:

"By direction of Citizen Venustiano Carranza, First Chief of the Constitutionalist Army, in charge of the executive power of the Mexican Nation, I have the honor of addressing to your excellency the following note, which the above-named high mandatory has seen fit to send to the neutral countries:

"It is more than two years since the most gigantic armed conflict recorded in history broke out in the old continent, sowing death, desolation, and destitution in the belligerent nations. The tragic contest has deeply wounded the sentiments of humanity of all the peoples that are not engaged in the struggle, and their standing unmoved before so great a disaster would be contrary to both justice and humaneness. A deep-seated sentiment of human solidarity then constrains the Mexican Government to tender its modest coöperation in endeavoring to bring the strife to an end. On the other hand, the conflagration in Europe has reached such proportions and the situation of the countries which remained neutral has grown more and more trying, bringing them, as it has, to the verge of being involved in that war; and several nations which at the outset took no part in the conflict have found themselves irresistibly drawn into it.

“Those countries which at present are still preserving their neutrality in the world and truly desire to keep out of the conflict must combine their efforts toward bringing about the earliest possible termination of the European war, or at least so circumscribing it as to remove the possibility of further complications and thus bring into sight an early ending.

The present European conflict effects the whole world, like a great conflagration, a severe plague which ought to have been isolated and confined some time ago so as to shorten its life and prevent its spreading. Far from doing this, the trade of all the neutral countries in the world, and that of America in particular, bears a heavy responsibility before history, because all the neutral nations—some more, some less—have lent their quota of money, provisions, ammunition, or fuel, and in this way have kept up and prolonged the great conflagration.

“Reasons of high human morality and of national self-conservation place the neutral peoples under the obligation of desisting from that course and of refusing to lend any longer that quota which made it possible to carry on the war for two years and more.

“To that end the Government of Mexico, within the bounds of the strictest respect due to the sovereignty of the warring countries, inspired by the highest humanitarian sentiments, and also actuated by the sentiment of self-conservation and defense, takes the liberty of proposing to your excellency’s Government, as it is proposing to all the other neutral Governments, that the groups of contending powers be invited, in common accord and on the basis of absolutely perfect equality on either side, to bring this war to an end, either by their own effort or by availing themselves of the good offices of friendly mediation of all the countries which would jointly extend that invitation. If within a reasonable term peace could not be restored by this means, the neutral countries would then take the necessary measures to reduce the conflagration to its narrowest limit by refusing any kind of implements to the belligerents and suspending commercial relations with the warring nations until the said conflagration shall have been smothered.

“The Mexican Government is not unconscious of its somewhat departing from the principles of international law which have heretofore regulated the relations between neutrals and belligerents when it offers its propositions; but it must be admitted that the present war is a conflict without a precedent in the history of mankind that demands supreme efforts and novel remedies that are not to be found among the narrow and somewhat selfish rules of international law as accepted until now. Mexico believes that, confronted by a catastrophe of such large proportions the like of which never was seen, by a war in which political, social, military, and economic factors that could never be foreseen have been brought into play, it can not go astray



in proposing that the remedies to be applied to the conflict be also new, extraordinary, and commensurate with the circumstances.

"The Government of Mexico understands that no neutral nation, no matter how mighty, could singly take a step of this character, and that the measure can only be brought to a successful issue through the coöperation of the neutral governments wielding the greatest international influence with the belligerent nations.

"It is specially incumbent on the United States, Argentina, Brazil and Chile in America; Spain, Sweden, and Norway in Europe, as being more influential and freer to arrive at a decision toward the belligerents, to father an initiative which is none the less worthy of thorough study and earnest consideration than for its coming from a nation which is supposed to be weakened at present and therefore incapable of any effective international effort.

"The Government of Mexico cherishes the hope that if this idea is accepted and put into practice it may serve as a precedent and basis for a new shaping of international law that would give neutrals the opportunity to assist in preventing and mending future international wars while most strictly [respecting] the sovereignty of the belligerents.

"Countries thereafter finding themselves on the brink of war, would earnestly ponder before launching into a conflict in which they would be entirely thrown on their own resources, and so would exhaust every means in which to avoid it or shorten its duration if it proved unavoidable."

I avail myself of this opportunity to reiterate to your excellency the assurances of my highest consideration.

(Signed) GEN. CANDIDO AGUILAR,  
*Minister of Foreign Relations of Mexico.*

I have the honor to transcribe the foregoing to your excellency, having thus carried out my Government's instructions.

I take, etc.

R. P. DE NEGRI,  
*Consul General of Mexico at San Francisco,  
Cal., in Charge of Mexican Interests.*

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*The Secretary of State to Mr. Ramón P. de Negri.*

DEPARTMENT OF STATE,  
*Washington, March 16, 1917.*

SIR: I have to request that you will have the kindness to transmit to the President-elect of the Mexican Republic the following reply to

the communication of February 11, 1917, addressed by him to you with instructions to deliver it to the Government of the United States.

In his note of February 11, 1917, the President-elect proposes to all the neutral Governments that the "groups of contending powers [in the present European conflict] be invited, in common accord and on the basis of absolutely perfect equality on either side, to bring this war to an end either by their own effort or by availing themselves of the good offices or friendly mediation of all the countries which would jointly extend that invitation. If within a reasonable time peace could not be restored by these means, the neutral countries would then take the necessary measures to reduce the conflagration to its narrowest limit, by refusing any kind of implements to the belligerents and suspending commercial relations with the warring nations until the said conflagration shall have been smothered."

The Government of the United States has given careful and sympathetic consideration to the proposals of the *de facto* Government, not only because they come from a neighboring republic in whose welfare and friendship the United States has a peculiar and permanent interest, but because these proposals have for their end the object which the President had hoped to attain from his discussion a few months ago of the aims of the belligerents and their purposes in the war. Of the futile results of the President's efforts at that time General Carranza is no doubt aware. Instead of the conflict being resolved into a discussion of terms of peace, the struggle, both on land and on sea, has been renewed with intensified vigor and bitterness. To such an extent has one group of belligerents carried warfare on the high seas involving the destruction of American ships and the lives of American citizens, in contravention of the pledges heretofore solemnly given the Government of the United States, that it was deemed necessary within the past few weeks to sever relations with one of the Governments of the Allied Central Powers. To render the situation still more acute, the Government of the United States has unearthed a plot laid by the Government dominating the Central Powers to embroil not only the Government and people of Mexico, but also the Government and people of Japan in war with the United States. At the time this plot was conceived, the United States was at peace with the Government and people of the German Empire, and German officials and German subjects were not only enjoying but

abusing the liberties and privileges freely accorded to them on American soil and under American protection.

In these circumstances, all of which were existent when the note under acknowledgment was received, the Government of the United States finds itself, greatly to its regret and contrary to its desire, in a position which precludes it from participating at the present time in the proposal of General Carranza that the neutral governments jointly extend an invitation to the belligerent countries to bring the war to an end either by their own effort or by availing themselves of the good offices or friendly mediation of neutral countries.

At the present stage of the European struggle, the superiority of the Entente Powers on the seas has prevented supplies from reaching the Central Powers from the Western Hemisphere. To such a degree has this restriction of maritime commerce extended that all routes of trade between the Americas and the continent of Europe are either entirely cut off or seriously interrupted. This condition is not new. In 1915 the Central Governments complained of their inability to obtain arms and ammunition from the United States while these supplies were being shipped freely to the ports of their enemies. The discussion of the subject culminated in the American note of August 12, 1915 (a copy of which is inclosed),<sup>1</sup> to the Imperial and Royal Austro-Hungarian Government, upholding the contention of the United States that its inability to ship munitions of war to the Central Powers was not of its own desire or making, but was due wholly to the naval superiority of the Entente Powers. Believing that this position of the United States is based upon sound principles of international law and is consonant with the established practice of nations, the President directs me to say that he cannot bring himself to consider such a modification of these principles or of this practice as compliance with General Carranza's proposal to suspend commercial relations with the warring nations would entail.

The President regrets, therefore, that, however desirous he may be of coöperating with General Carranza in finding a solution of the world problem that is intruding itself upon all countries, he is, for the reasons set forth, unable at the present time to direct his energies toward the accomplishment of the lofty purposes of the President-elect in the way suggested by his proposals. The President would not be understood, however, as desiring to impede the progress of a

<sup>1</sup> Not printed.

movement leading to the resumption of peaceful relations between all of the belligerents, and would not, therefore, wish the Mexican Government to feel that his inability to act in the present stage of affairs should in any way militate against the attainment of the high ideals of General Carranza by the coöperation of other neutral Governments in the use of their good offices and friendly mediation to bring about the end of the terrible war which is being waged between the great powers of Europe.

I am, etc.,

ROBERT LANSING.

## PART XIV.

### SEVERANCE OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND GERMANY.

*The German Ambassador to the Secretary of State.*

[Translation.]

GERMAN EMBASSY,  
Washington, January 31, 1917.

MR. SECRETARY OF STATE:

Your Excellency were good enough to transmit to the Imperial Government a copy of the message which the President of the United States of America addressed to the Senate on the 22d inst. The Imperial Government has given it the earnest consideration which the President's statements deserve, inspired as they are by a deep sentiment of responsibility. It is highly gratifying to the Imperial Government to ascertain that the main tendencies of this important statement correspond largely to the desires and principles professed by Germany. These principles especially include self-government and equality of rights for all nations. Germany would be sincerely glad if in recognition of this principle countries like Ireland and India, which do not enjoy the benefits of political independence, should now obtain their freedom. The German people also repudiate all alliances which serve to force the countries into a competition for might and to involve them in a net of selfish intrigues. On the other hand Germany will gladly coöperate in all efforts to prevent future wars. The freedom of the seas, being a preliminary condition of the free existence of nations and the peaceful intercourse between them, as well as the open door for the commerce of all nations, has always formed part of the leading principles of Germany's political program. All the more the Imperial Government regrets that the attitude of her enemies who are so entirely opposed to peace makes it impossible for the world

at present to bring about the realization of these lofty ideals. Germany and her allies were ready to enter now into a discussion of peace and had set down as basis the guaranty of existence, honor and free development of their peoples. Their aims, as has been expressly stated in the note of December 12, 1916, were not directed towards the destruction or annihilation of their enemies and were according to their conviction perfectly compatible with the rights of the other nations. As to Belgium for which such warm and cordial sympathy is felt in the United States, the Chancellor had declared only a few weeks previously that its annexation had never formed part of Germany's intentions. The peace to be signed with Belgium was to provide for such conditions in that country, with which Germany desires to maintain friendly neighborly relations, that Belgium should not be used again by Germany's enemies for the purpose of instigating continuous hostile intrigues. Such precautionary measures are all the more necessary, as Germany's enemies have repeatedly stated not only in speeches delivered by their leading men but also in the statutes of the economical conference in Paris that it is their intention not to treat Germany as an equal, even after peace has been restored, but to continue their hostile attitude and especially to wage a systematic economical war against her.

The attempt of the four allied powers to bring about peace has failed owing to the lust of conquest of their enemies, who desired to dictate the conditions of peace. Under the pretense of following the principle of nationality our enemies have disclosed their real aims in this war, viz., to dismember and dishonor Germany, Austria-Hungary, Turkey and Bulgaria. To the wish of reconciliation they oppose the will of destruction. They desire a fight to the bitter end.

A new situation has thus been created which forces Germany to new decisions. Since two years and a half England is using her naval power for a criminal attempt to force Germany into submission by starvation. In brutal contempt of International Law the group of Powers led by England does not only curtail the legitimate trade of their opponents but they also by ruthless pressure compel neutral countries either to altogether forego every trade not agreeable to the Entente Powers or to limit it according to their arbitrary decrees. The American Government knows the steps which have been taken to cause England and her allies to return to the rules of International Law and to respect the freedom of the seas. The English Government,

however, insists upon continuing its war of starvation, which does not at all affect the military power of its opponents, but compels women and children, the sick and the aged to suffer for their country pains and privations which endanger the vitality of the nation. Thus British tyranny mercilessly increases the sufferings of the world indifferent to the laws of humanity, indifferent to the protests of the Neutrals whom they severely harm, indifferent even to the silent longing for peace among England's own allies. Each day of the terrible struggle causes new destruction, new sufferings. Each day shortening the war will, on both sides, preserve the life of thousands of brave soldiers and be a benefit to mankind.

The Imperial Government could not justify before its own conscience, before the German people and before history the neglect of any means destined to bring about the end of the war. Like the President of the United States, the Imperial Government had hoped to reach this goal by negotiations. After the attempts to come to an understanding with the Entente-Powers have been answered by the latter with the announcement of an intensified continuation of the war, the Imperial Government—in order to serve the welfare of mankind in a higher sense and not to wrong its own people—is now compelled to continue the fight for existence, again forced upon it, with the full employment of all the weapons which are at its disposal.

Sincerely trusting that the people and Government of the United States will understand the motives for this decision and its necessity, the Imperial Government hopes that the United States may view the new situation from the lofty heights of impartiality and assist, on their part, to prevent further misery and avoidable sacrifice of human life.

Inclosing two memoranda regarding the details of the contemplated military measures at sea, I remain, etc.,

(Signed) J. BERNSTORFF.

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[Inclosure 1.]

MEMORANDUM.

'After bluntly refusing Germany's peace offer, the Entente-Powers stated in their note addressed to the American Government that they

are determined to continue the war in order to deprive Germany of German provinces in the West and the East, to destroy Austria-Hungary and to annihilate Turkey. In waging war with such aims, the Entente-Allies are violating all rules of International Law, as they prevent the legitimate trade of Neutrals with the Central Powers, and of the Neutrals among themselves. Germany has, so far, not made unrestricted use of the weapon which she possesses in her submarines. Since the Entente Powers, however, have made it impossible to come to an understanding based upon equality of rights of all nations, as proposed by the Central Powers, and have instead declared only such a peace to be possible which shall be dictated by the Entente-Allies and shall result in the destruction and humiliation of the Central Powers, Germany is unable further to forego the full use of her submarines. The Imperial Government, therefore, does not doubt that the Government of the United States will understand the situation thus forced upon Germany by the Entente-Allies' brutal methods of war and by their determination to destroy the Central Powers, and that the Government of the United States will further realize that the now openly disclosed intentions of the Entente-Allies give back to Germany the freedom of the action which she reserved in her note addressed to the Government of the United States on May 4, 1916.

Under these circumstances Germany will meet the illegal measures of her enemies by forcibly preventing after February 1, 1917, in a zone around Great Britain, France, Italy, and in the Eastern Mediterranean all navigation, that of neutrals included, from and to England and from and to France, etc., etc. All ships met within that zone will be sunk.

The Imperial Government is confident that this measure will result in a speedy termination of the war and in the restoration of peace which the Government of the United States has so much at heart. Like the Government of the United States, Germany and her allies had hoped to reach this goal by negotiations. Now that the war, through the fault of Germany's enemies, has to be continued, the Imperial Government feels sure that the Government of the United States will understand the necessity of adopting such measures and are destined to bring about a speedy end of the horrible and useless bloodshed. The Imperial Government hopes all the more for such an understanding of her position, as the neutrals have under the pressure of the Entente-Powers, suffered great losses, being forced by them either to give up their entire trade or to limit it according to conditions arbitrarily determined by Germany's enemies in violation of International Law.



## [Inclosure 2.]

## MEMORANDUM.

From February 1, 1917, all sea traffic will be stopped with every available weapon and without further notice in the following blockade zones around Great Britain, France, Italy, and in the Eastern Mediterranean.

*In the North:* The zone is confined by a line at a distance of 20 seamiles along the Dutch coast to Terschelling fire ship, the degree of longitude from Terschelling fire ship to Udsire, a line from there across the point 62 degrees north 0 degrees longitude to 62 degrees north 5 degrees west, further to a point 3 seamiles south of the southern point of the Faroe Islands, from there across point 62 degrees north 10 degrees west to 61 degrees north 15 degrees west, then 57 degrees north 20 degrees west to 47 degrees north 20 degrees west, further to 43 degrees north, 15 degrees west, then along the degree of latitude 43 degrees north to 20 seamiles from Cape Finisterre and at a distance of 20 seamiles along the north coast of Spain to the French boundary.

*In the South:* The Mediterranean.

For neutral ships remains open: The sea west of the line Pt. del' Espiquette to 38 degrees 20 minutes north and 6 degrees east, also north and west of a zone 61 seamiles wide along the Northafrican coast, beginning at 2 degrees longitude west. For the connection of this sea zone with Greece there is provided a zone of a width of 20 seamiles north and east of the following line: 38 degrees north and 6 degrees east to 38 degrees north and 10 degrees east to 37 degrees north and 11 degrees 30 minutes east to 34 degrees north and 11 degrees 30 minutes east to 34 degrees north and 22 degrees 30 minutes east.

From there leads a zone 20 seamiles wide west of 22 degrees 30 minutes eastern longitude into Greek territorial waters.

Neutral ships navigating these blockade zones do so at their own risk. Although care has been taken, that neutral ships which are on their way toward ports of the blockade zones on February 1, 1917, and have come in the vicinity of the latter, will be spared during a sufficiently long period it is strongly advised to warn them with all available means in order to cause their return.

Neutral ships which on February 1 are in ports of the blockaded zones, can, with the same safety, leave them if they sail before February 5, 1917, and take the shortest route into safe waters.

The instructions given to the commanders of German submarines provide for a sufficiently long period during which the safety of passengers on unarmed enemy passenger ships is guaranteed.

Americans, en route to the blockade zone on enemy freight

steamers, are not endangered, as the enemy shipping firms can prevent such ships in time from entering the zone.

Sailing of regular American passenger steamers may continue undisturbed after February 1, 1917, if

- (a) the port of destination is Falmouth
- (b) sailing to or coming from that port course is taken via the Scilly Islands and a point 50 degrees north 20 degrees west,
- (c) the steamers are marked in the following way which must not be allowed to other vessels in American ports: On ships' hull and superstructure 3 vertical stripes 1 meter wide each to be painted alternately white and red. Each mast should show a large flag checkered white and red, and the stern the American national flag.

Care should be taken that, during dark, national flag and painted marks are easily recognizable from a distance and that the boats are well lighted throughout,

- (d) one steamer a week sails in each direction with arrival at Falmouth on Sunday and departure from Falmouth on Wednesday
- (e) The United States Government guarantees that no contraband (according to German contraband list) is carried by those steamers.

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*The Secretary of State to the German Ambassador.*

No. 2307.]

DEPARTMENT OF STATE,  
Washington, February 3, 1917.

EXCELLENCY:

In acknowledging the note with accompanying memoranda, which you delivered into my hands on the afternoon of January 31st, and which announced the purpose of your Government as to the future conduct of submarine warfare, I would direct your attention to the following statements appearing in the correspondence which has passed between the Government of the United States and the Imperial German Government in regard to submarine warfare.

This Government on April 18, 1916, in presenting the case of the *Sussex*, declared—

If it is still the purpose of the Imperial Government to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines without regard to what the Government of the

United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue. Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight-carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether.

In reply to the note from which the above declaration is quoted Your Excellency's Government stated in a note dated May 4, 1916—

The German Government, guided by this idea, notifies the Government of the United States that the German naval forces have received the following orders: In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared as naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance.

But neutrals can not expect that Germany, forced to fight for her existence, shall, for the sake of neutral interests, restrict the use of an effective weapon if her enemy is permitted to continue to apply at will methods of warfare violating the rules of international law. Such a demand would be incompatible with the character of neutrality, and the German Government is convinced that the Government of the United States does not think of making such a demand, knowing that the Government of the United States has repeatedly declared that it is determined to restore the principle of the freedom of the sea, from whatever quarter it has been violated.

To this reply this Government made answer on May 8, 1916, in the following language:

The Government of the United States feels it necessary to state that it takes it for granted that the Imperial German Government does not intend to imply that the maintenance of its newly announced policy is in any way contingent upon the course or result of diplomatic negotiations between the Government of the United States and any other belligerent Government, notwithstanding the fact that certain passages in the Imperial Government's note of the 4th instant might appear to be susceptible of that construction. In order, however, to avoid any possible misunderstanding, the Government of the United States notifies the Imperial Government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the

high seas should in any way or in the slightest degree be made contingent upon the conduct of any other Government affecting the rights of neutrals and noncombatants. Responsibility in such matters is single, not joint; absolute, not relative.

To this Government's note of May 8th no reply was made by the Imperial Government.

In one of the memoranda accompanying the note under acknowledgment, after reciting certain alleged illegal measures adopted by Germany's enemies, this statement appears:

The Imperial Government, therefore, does not doubt that the Government of the United States will understand the situation thus forced upon Germany by the Entente-Allies' brutal methods of war and by their determination to destroy the Central Powers, and that the Government of the United States will further realize that the now openly disclosed intentions of the Entente-Allies give back to Germany the freedom of action which she reserved in her note addressed to the Government of the United States on May 4, 1916.

Under these circumstances Germany will meet the illegal measures of her enemies by forcibly preventing, after February 1, 1917, in a zone around Great Britain, France, Italy, and in the eastern Mediterranean all navigation, that of neutrals included, from and to England and from and to France, etc., etc. All ships met within the zone will be sunk.

In view of this declaration, which withdraws suddenly and without prior intimation the solemn assurance given in the Imperial Government's note of May 4, 1916, this Government has no alternative consistent with the dignity and honor of the United States but to take the course which it explicitly announced in its note of April 18, 1916, it would take in the event that the Imperial Government did not declare and effect an abandonment of the methods of submarine warfare then employed and to which the Imperial Government now purpose again to resort.

The President has, therefore, directed me to announce to Your Excellency that all diplomatic relations between the United States and the German Empire are severed, and that the American ambassador at Berlin will be immediately withdrawn, and in accordance with such announcement to deliver to Your Excellency your passports.

I have, etc.,

ROBERT LANSING.

*The Secretary of State to Ambassador Penfield.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, February 3, 1917.

The President to-day delivered the following address to Congress, which you will please distribute to the press, first delivering a copy to the Foreign Minister for his information.

LANSING.

ADDRESS OF THE PRESIDENT OF THE UNITED STATES DELIVERED AT A JOINT  
SESSION OF TWO HOUSES OF CONGRESS FEBRUARY 3, 1917.

## GENTLEMEN OF THE CONGRESS:

The Imperial German Government on the thirty-first of January announced to this Government and to the governments of the other neutral nations that on and after the first day of February, the present month, it would adopt a policy with regard to the use of submarines against all shipping seeking to pass through certain designated areas of the high seas to which it is clearly my duty to call your attention.

Let me remind the Congress that on the eighteenth of April last, in view of the sinking on the twenty-fourth of March of the cross-channel passenger steamer *Sussex* by a German submarine, without summons or warning, and the consequent loss of lives of several citizens of the United States who were passengers aboard her, this Government addressed a note to the Imperial German Government in which it made the following declaration:

"If it is still the purpose of the Imperial Government to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines without regard to what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue. Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight-carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether."

In reply to this declaration the Imperial German Government gave this Government the following assurance:

"The German Government is prepared to do its utmost to confine the operations of war for the rest of its duration to the fighting forces

of the belligerents, thereby also insuring the freedom of the seas, a principle upon which the German Government believes, now as before, to be in agreement with the Government of the United States.

“The German Government, guided by this idea, notifies the Government of the United States that the German naval forces have received the following orders: In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared as naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance.

“But,” it added, “neutrals can not expect that Germany, forced to fight for her existence, shall, for the sake of neutral interest, restrict the use of an effective weapon if her enemy is permitted to continue to apply at will methods of warfare violating the rules of international law. Such a demand would be incompatible with the character of neutrality, and the German Government is convinced that the Government of the United States does not think of making such a demand, knowing that the Government of the United States has repeatedly declared that it is determined to restore the principle of the freedom of the seas, from whatever quarter it has been violated.”

To this the Government of the United States replied on the eighth of May, accepting, of course, the assurances given, but adding,

“The Government of the United States feels it necessary to state that it takes it for granted that the Imperial German Government does not intend to imply that the maintenance of its newly announced policy is in any way contingent upon the course or result of diplomatic negotiations between the Government of the United States and any other belligerent Government, notwithstanding the fact that certain passages in the Imperial Government’s note of the 4th instant might appear to be susceptible of that construction. In order, however, to avoid any possible misunderstanding, the Government of the United States notifies the Imperial Government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other Government affecting the rights of neutrals and noncombatants. Responsibility in such matters is single, not joint; absolute, not relative.”

To this note of the eighth of May the Imperial German Government made no reply.

On the thirty-first of January, the Wednesday of the present week, the German Ambassador handed to the Secretary of State, along with a formal note, a memorandum which contains the following statement:

“The Imperial Government, therefore, does not doubt that the Government of the United States will understand the situation thus

forced upon Germany by the Entente-Allies' brutal methods of war and by their determination to destroy the Central Powers, and that the Government of the United States will further realize that the now openly disclosed intentions of the Entente-Allies give back to Germany the freedom of action which she reserved in her note addressed to the Government of the United States on May 4, 1916.

"Under these circumstances Germany will meet the illegal measures of her enemies by forcibly preventing after February 1, 1917, in a zone around Great Britain, France, Italy, and in the Eastern Mediterranean all navigation, that of neutrals included, from and to England and from and to France, etc., etc. All ships met within the zone will be sunk."

I think that you will agree with me that, in view of this declaration, which suddenly and without prior intimation of any kind deliberately withdraws the solemn assurance given in the Imperial Government's note of the fourth of May, 1916, this Government has no alternative consistent with the dignity and honour of the United States but to take the course which, in its note of the eighteenth of April, 1916, it announced that it would take in the event that the German Government did not declare and effect an abandonment of the methods of submarine warfare which it was then employing and to which it now purposes again to resort.

I have, therefore, directed the Secretary of State to announce to His Excellency the German Ambassador that all diplomatic relations between the United States and the German Empire are severed, and that the American Ambassador at Berlin will immediately be withdrawn; and, in accordance with this decision, to hand to His Excellency his passports.

Notwithstanding this unexpected action of the German Government, this sudden and deeply deplorable renunciation of its assurances, given this Government at one of the most critical moments of tension in the relations of the two governments, I refuse to believe that it is the intention of the German authorities to do in fact what they have warned us they will feel at liberty to do. I can not bring myself to believe that they will indeed pay no regard to the ancient friendship between their people and our own or to the solemn obligations which have been exchanged between them and destroy American ships and take the lives of American citizens in the wilful prosecution of the ruthless naval programme they have announced their intention to adopt. Only actual overt acts on their part can make me believe it even now.

If this inveterate confidence on my part in the sobriety and prudent foresight of their purpose should unhappily prove unfounded; if American ships and American lives should in fact be sacrificed by their naval commanders in heedless contravention of the just and reasonable understandings of international law and the obvious

dictates of humanity, I shall take the liberty of coming again before the Congress, to ask that authority be given me to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas. I can do nothing less. I take it for granted that all neutral governments will take the same course.

We do not desire any hostile conflict with the Imperial German Government. We are the sincere friends of the German people and earnestly desire to remain at peace with the Government which speaks for them. We shall not believe that they are hostile to us unless and until we are obliged to believe it; and we purpose nothing more than the reasonable defense of the undoubted rights of our people. We wish to serve no selfish ends. We seek merely to stand true alike in thought and in action to the immemorial principles of our people which I sought to express in my address to the Senate only two weeks ago—seek merely to vindicate our rights to liberty and justice and an unmolested life. These are the bases of peace, not war. God grant we may not be challenged to defend them by acts of willful injustice of the part of the Government of Germany!

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*The Minister of Switzerland in charge of German Interests in  
America to the Secretary of State.*

LEGATION OF SWITZERLAND,  
Washington, February 10, 1917.

MR. SECRETARY OF STATE:

The German Legation at Berne has communicated the following to the Swiss Political Department (Foreign Office) :

The American treaty of friendship and commerce of the eleventh of July, 1799, provides by Article 23 for the treatment of the subjects or citizens of the two States and their property in the event of war between the two States. This Article, which is without question in full force as regards the relations between the German Empire and the United States, requires certain explanations and additions on account of the development of international law. The German Government therefore proposes that a special arrangement be now signed, of which the English text is as follows:

Agreement between Germany and the United States of America concerning the treatment of each others' citizens and their private property after the severance of diplomatic relations.

ARTICLE 1). After the severance of diplomatic relations between Germany and the United States of America and in the event of the



outbreak of war between the two powers, the citizens of either party and their private property in the territory of the other party shall be treated according to article 23 of the treaty of amity and commerce between Prussia and the United States, of the 11th of July, 1799, with the following explanatory and supplementary clauses:

ARTICLE 2). German merchants in the United States and American merchants in Germany shall, so far as the treatment of their persons and their property is concerned, be held in every respect on a par with the other persons mentioned in article 23. They shall accordingly, even after the period provided for in article 23 has elapsed, be entitled to remain and continue their profession in the country of their residence. Merchants as well as the other persons mentioned in article 23 may be excluded from fortified places or other places of military importance.

ARTICLE 3). Germans in the United States and Americans in Germany shall be free to leave the country of their residence within the time and by the routes that shall be assured to them by the proper authorities. The persons departing shall be entitled to take along their personal property, including money, valuables, and bank accounts, excepting such property the exportation of which is prohibited according to general provisions.

ARTICLE 4). The protection of Germans in the United States and of Americans in Germany and of their property shall be guaranteed in accordance with the laws existing in the countries of either party. They shall be under no other restrictions concerning the enjoyment of their private rights and the judicial enforcement of their rights than neutral residents. They may accordingly not be transferred to concentration camps, nor shall their private property be subject to sequestration or liquidation or other compulsory alienation except in case that under the existing laws apply also to neutrals. As a general rule German property in the United States and American property in Germany shall not be subject to sequestration or liquidation, or other compulsory alienation under other conditions than neutral property.

ARTICLE 5). Patent rights or other protected rights held by Germans in the United States or Americans in Germany shall not be declared void, nor shall the exercise of such rights be impeded, nor shall such rights be transferred to others without the consent of the person entitled thereto, provided that regulations made exclusively in the interest of the State shall apply.

ARTICLE 6). Contracts made between Germans and Americans, either before or after the severance of diplomatic relations, also obligations of all kinds between Germans and Americans, shall not be declared canceled, void, or in suspension, except under provisions applicable to neutrals. Likewise the citizens of either party shall not be impeded in fulfilling their liabilities arising from such obli-

gations, either by injunctions or by other provisions, unless these apply to neutrals.

ARTICLE 7). The provisions of the sixth Hague Convention, relative to the treatment of enemy merchant ships at the outbreak of hostilities, shall apply to the merchant vessels of either party and their cargo. The aforesaid ships may not be forced to leave port unless at the same time they be given a pass, recognized as binding by all the enemy sea powers, to a home port, or a port of an allied country, or to another port of the country in which the ship happens to be.

ARTICLE 8). The regulations of chapter 3 of the eleventh Hague Convention, relative to certain restrictions in the exercise of the right of capture in maritime war, shall apply to the captains, officers, and members of the crews of merchant ships specified in article 7, and of such merchant ships as may be captured in the course of a possible war.

ARTICLE 9). This agreement shall apply also to the colonies and other foreign possessions of either party.

I am instructed and have the honor to bring the foregoing to your Excellency's knowledge and to add that the German Government would consider the arrangement as concluded and act accordingly as soon as the consent of the American Government shall have been communicated to it through the Swiss Government.

Be pleased, etc.,

P. RITTER.

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*Statement given to the press, February 12, 1917.*

DEPARTMENT OF STATE,  
*February 12, 1917.*

In view of the appearance in the newspapers of February 11 of a report that Germany was initiating negotiations with the United States in regard to submarine warfare, the Department of State makes the following statement:

A suggestion was made orally to the Department of State late Saturday afternoon by the minister of Switzerland that the German Government is willing to negotiate with the United States, provided that the commercial blockade against England would not be interfered with. At the request of the Secretary of State, this suggestion was made in writing and presented to him by the Swiss Minister Sunday night. The communication is as follows:

## MEMORANDUM.

The Swiss Government has been requested by the German Government to say that the latter is, now as before, willing to negotiate, formally or informally, with the United States, provided that the commercial blockade against England will not be broken thereby.

P. RITTER.

This memorandum was given immediate consideration and the following reply was dispatched to-day:

MY DEAR MR. MINISTER:

I am requested by the President to say to you, in acknowledging the memorandum which you were kind enough to send me on the 11th instant, that the Government of the United States would gladly discuss with the German Government any questions it might propose for discussion were it to withdraw its proclamation of the 31st of January in which, suddenly and without previous intimation of any kind, it canceled the assurances which it had given this Government on the 4th of last May, but that it does not feel that it can enter into any discussion with the German Government concerning the policy of submarine warfare against neutrals which it is now pursuing unless and until the German Government renews its assurances of the 4th of May and acts upon the assurance.

I am, my dear Mr. Minister, etc.,

ROBERT LANSING.

HIS EXCELLENCY DR. PAUL RITTER,

*Minister of Switzerland.*

No other interchange on this subject had taken place between this Government and any other Government or person.

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*Statement given to the press March 12, 1917.*

DEPARTMENT OF STATE,  
*Washington, March 12, 1917.*

The Department of State has to-day sent the following statement to all foreign missions in Washington for their information:

In view of the announcement of the Imperial German Government on January 31, 1917, that all ships, those of neutrals included, met within certain zones of the high seas would be sunk without any precautions being taken for the safety of the persons on board, and with-

out the exercise of visit and search, the Government of the United States has determined to place upon all American merchant vessels sailing through the barred areas an armed guard for the protection of the vessels and the lives of the persons on board.

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*The Secretary of State to the Minister of Switzerland in charge of German interests in America.*

No. 416.]

DEPARTMENT OF STATE,  
Washington, March 20, 1917.

SIR: I beg to acknowledge the receipt of your note of February 10th presenting the proposals of the German Government for an interpretative and supplementary agreement as to Article 23 of the Treaty of 1799. After due consideration, I have to inform you that the Government of the United States is not disposed to look with favor upon the proposed agreement to alter or supplement the meaning of Article 23 of this Treaty. This position of the Government of the United States, which might under other conditions be different, is due to the repeated violations by Germany of the Treaty of 1828 and the Articles of the Treaties of 1785 and 1799 revived by the Treaty of 1828. It is not necessary to narrate in detail these violations, for the attention of the German Government has been called to the circumstances of each instance of violation, but I may here refer to certain of them briefly and in general terms.

Since the sinking of the American steamer *William P. Frye* for the carriage of contraband, there have been perpetrated by the German naval forces similar unwarranted attacks upon and destruction of numerous American vessels for the reason, as alleged, that they were engaged in transportation of articles of contraband, notwithstanding and in disregard of Article 13 of the Treaty of 1799, that "No such articles (of contraband) carried in the vessels or by the subjects or citizens of either party to the enemies of the other shall be deemed contraband so as to induce confiscation or condemnation and a loss of property to individuals," and that "In the case . . . of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port or further detained, but shall be allowed to proceed on her voyage."

In addition to the sinking of American vessels, foreign merchant vessels carrying American citizens and American property have been sunk by German submarines without warning and without any adequate security for the safety of the persons on board or compensation for the destruction of the property by such action, notwithstanding the solemn engagement of Article 15 of the Treaty of 1799 that "All persons belonging to any vessel of war, public or private, who shall molest or insult in any manner whatever the people, vessels, or effects of the other party shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned," and notwithstanding the further stipulation of Article 12 of the Treaty of 1785 that "The free intercourse and commerce of the subjects or citizens of the party remaining neutral with the belligerent powers shall not be interrupted." Disregarding these obligations, the German Government has proclaimed certain zones of the high seas in which it declared without reservation that all ships, including those of neutrals, will be sunk, and in those zones German submarines have, in fact, in accordance with this declaration, ruthlessly sunk merchant vessels and jeopardized or destroyed the lives of American citizens on board.

Moreover, since the severance of relations between the United States and Germany, certain American citizens in Germany have been prevented from removing freely from the country. While this is not a violation of the terms of the treaties mentioned, it is a disregard of the reciprocal liberty of intercourse between the two countries in time of peace, and can not be taken otherwise than as an indication of a purpose on the part of the German Government to disregard in the event of war the similar liberty of action provided for in Article 23 of the Treaty of 1799—the very article which it is now proposed to interpret and supplement almost wholly in the interest of the large number of German subjects residing in the United States and enjoying in their persons or property the protection of the United States Government. This article provides in effect that merchants of either country residing in the other shall be allowed a stated time in which to remain to settle their affairs and to "depart freely, carrying off all their effects without molestation or hindrance," and women and children, artisans and certain others, may continue their respective employments and shall not be molested in their persons or

property. It is now proposed by the Imperial German Government to enlarge the scope of this article so as to grant to German subjects and German property remaining in the United States in time of war the same treatment in many respects as that enjoyed by neutral subjects and neutral property in the United States.

In view of the clear violations by the German authorities of the plain terms of the treaties in question, solemnly concluded on the mutual understanding that the obligations thereunder would be faithfully kept; in view, further, of the disregard of the canons of international courtesy and the comity of nations in the treatment of innocent American citizens in Germany, the Government of the United States can not perceive any advantage which would flow from further engagements, even though they were merely declaratory of international law, entered into with the Imperial German Government in regard to the meaning of any of the articles of these treaties, or as supplementary to them. In these circumstances, therefore, the Government of the United States declines to enter into the special protocol proposed by the Imperial Government.

I feel constrained, in view of the circumstances, to add that this Government is seriously considering whether or not the Treaty of 1828 and the revived articles of the treaties of 1785 and 1799 have not been in effect abrogated by the German Government's flagrant violations of their provisions, for it would be manifestly unjust and inequitable to require one party to an agreement to observe its stipulations and to permit the other party to disregard them. It would appear that the mutuality of the undertaking has been destroyed by the conduct of the German authorities.

Accept, etc.,

ROBERT LANSING.

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*The Minister of Switzerland in Charge of German Interests in  
America to the Secretary of State.*

LEGATION OF SWITZERLAND,  
Washington, March 30, 1917.

DEPARTMENT OF GERMAN INTERESTS.

SIR: According to instructions of my Government, I have the honor to forward to Your Excellency the following communication of the German Government:

[Translation.]

The German Government challenges the assertion that it has violated the treaties of 1785, 1799, and 1828. American citizens may freely leave Germany and for the most part have already done so. That departure from the country is delayed under certain circumstances is to be ascribed to necessary precautionary measures.

Since the provisions of article 12 of the treaty of 1785, and article 13 of the treaty of 1799 do not oppose blockade or obstructions similar to blockade, the U-boat warfare does not contravene them. In turn, Germany has to reproach the United States with a violation of those treaties in that, without justification on the ground of neutrality, it prevented the departure, on and after the beginning of the war, of various German merchant vessels, contrary to the treaty of 1828; contrary to article 19 of the treaty of 1799, the American Government, in the *Appam* case, also contested the right of the prize to stay in American ports and permitted judicial proceedings against the prize. Until further notice the German Government will adhere to the maintenance of article 23 of the treaty of 1799, inasmuch as it assumes from the declarations heretofore made by the State Department that the American Government holds the same view for the present situation as well as for a possible state of war; in the same supposition it will place a liberal construction upon the article; that is to say, will not prevent money remittances to the United States, and also, in particular, honor Imperial Treasury certificates and continue to allow Americans to depart.

Accept, etc.,

P. RITTER,  
*Swiss Minister.*

## PART XV.

### DECLARATION OF WAR AGAINST THE IMPERIAL GERMAN GOVERNMENT.

*Circular Telegram to all the Missions.*

DEPARTMENT OF STATE,  
*Washington, April 2, 1917.*

The President addressed the Special Session of Congress this evening in regard to the international situation. After briefly reviewing the submarine controversy with Germany, he pointed out that the present submarine warfare is a warfare against mankind; that in view of developments armed neutrality is worse than ineffectual and is only likely to produce what it was meant to prevent; that we cannot choose the path of submission and are arraying ourselves against wrongs which cut to the very roots of human life. With a profound sense of the solemn and even tragical character of the step he advised the Congress to declare the recent course of the German Government to be in effect nothing less than war against the Government and people of the United States and proposed that it take immediate steps to put the country in a thorough state of defense and employ all its power and resources to bring the German Empire to terms and end the war. This will involve utmost practicable coöperation in counsel and action with the Governments now at war with Germany; the extension of financial credits, material aid, and addition to armed forces of at least 500,000 men upon principle of universal military service. Legislative proposals along these lines will be promptly introduced. We have no quarrel with the German people, but only with the autocratic government which has brought on the present situation. The world must be made safe for democracy, which seems to be in the balance. We have no selfish ends to serve. We desire no conquest, no dominion; we seek no indemnities for ourselves, no material com-



pensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind.

The following Joint Resolution was immediately introduced and referred to the Foreign Relations and Foreign Affairs Committees which meet to-morrow morning for its consideration:

Joint Resolution declaring that a state of war exists between the Imperial German Government and the Government and people of the United States and making provision to prosecute the same.

Whereas, the recent acts of the Imperial Government are acts of war against the Government and people of the United States;

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the state of war between the United States and the Imperial Government which has thus been thrust upon the United States is hereby formally declared; and,

That the President be, and he is hereby, authorized and directed to take immediate steps not only to put the country in a thorough state of defense but also to exert all of its power and employ all of its resources to carry on war against the Imperial German Government and to bring the conflict to a successful termination.

LANSING.

ADDRESS OF THE PRESIDENT OF THE UNITED STATES DELIVERED AT A JOINT SESSION OF THE TWO HOUSES OF CONGRESS, APRIL 2, 1917.

GENTLEMEN OF THE CONGRESS:

I have called the Congress into extraordinary session because there are serious, very serious, choices of policy to be made, and made immediately, which it was neither right nor constitutionally permissible that I should assume the responsibility of making.

On the third of February last I officially laid before you the extraordinary announcement of the Imperial German Government that on and after the first day of February it was its purpose to put aside all restraints of law or of humanity and use its submarines to sink every vessel that sought to approach either the ports of Great Britain and Ireland or the western coasts of Europe or any of the ports controlled by the enemies of Germany within the Mediterranean. That had seemed to be the object of the German submarine warfare earlier in the war, but since April of last year the Imperial Government had somewhat restrained the commanders of its undersea craft in conformity with its promise then given to us that passenger boats should not be sunk and that due warning would be given to all other vessels which its submarines might seek to destroy, when no resistance was offered or escape attempted, and care taken that their crews were

given at least a fair chance to save their lives in their open boats. The precautions taken were meagre and haphazard enough, as was proved in distressing instance after instance in the progress of the cruel and unmanly business, but a certain degree of restraint was observed. The new policy has swept every restriction aside. Vessels of every kind, whatever their flag, their character, their cargo, their destination, their errand, have been ruthlessly sent to the bottom without warning and without thought of help or mercy for those on board, the vessels of friendly neutrals along with those of belligerents. Even hospital ships and ships carrying relief to the sorely bereaved and stricken people of Belgium, though the latter were provided with safe conduct through the proscribed areas by the German Government itself and were distinguished by unmistakable marks of indentivity, have been sunk with the same reckless lack of compassion or of principle.

I was for a little while unable to believe that such things would in fact be done by any government that had hitherto subscribed to the humane practices of civilized nations. International law had its origin in the attempt to set up some law which would be respected and observed upon the seas, where no nation had right of dominion and where lay the free highways of the world. By painful stage after stage has that law been built up, with meagre enough results, indeed, after all was accomplished that could be accomplished, but always with a clear view, at least, of what the heart and conscience of mankind demanded. This minimum of right the German Government has swept aside under the plea of retaliation and necessity and because it had no weapons which it could use at sea except these which it is impossible to employ as it is employing them without throwing to the winds all scruples of humanity or of respect for the understandings that were supposed to underlie the intercourse of the world. I am not now thinking of the loss of property involved, immense and serious as that is, but only of the wanton and wholesale destruction of the lives of non-combatants, men, women, and children, engaged in pursuits which have always, even in the darkest periods of modern history, been deemed innocent and legitimate. Property can be paid for; the lives of peaceful and innocent people cannot be. The present German submarine warfare against commerce is a warfare against mankind.

It is a war against all nations. American ships have been sunk, American lives taken, in ways which it has stirred us very deeply to learn of, but the ships and people of other neutral and friendly nations have been sunk and overwhelmed in the waters in the same way. There has been no discrimination. The challenge is to all mankind. Each nation must decide for itself how it will meet it. The choice we make for ourselves must be made with a moderation of counsel and a temperateness of judgment befitting our character and

our motives as a nation. We must put excited feeling away. Our motive will not be revenge or the victorious assertion of the physical might of the nation, but only the vindication of right, of human right, of which we are only a single champion.

When I addressed the Congress on the twenty-sixth of February last I thought that it would suffice to assert our neutral rights with arms, our right to use the seas against unlawful interference, our right to keep our people safe against unlawful violence. But armed neutrality, it now appears, is impracticable. Because submarines are in effect outlaws when used as the German submarines have been used against merchant shipping, it is impossible to defend ships against their attacks as the law of nations has assumed that merchantmen would defend themselves against privateers or cruisers, visible craft giving chase upon the open sea. It is common prudence in such circumstances, grim necessity indeed, to endeavour to destroy them before they have shown their own intention. They must be dealt with upon sight, if dealt with at all. The German Government denies the right of neutrals to use arms at all within the areas of the sea which it has proscribed, even in the defense of rights which no modern publicist has ever before questioned their right to defend. The intimation is conveyed that the armed guards which we have placed on our merchant ships will be treated as beyond the pale of law and subject to be dealt with as pirates would be. Armed neutrality is ineffectual enough at best; in such circumstances and in the face of such pretensions it is worse than ineffectual; it is likely only to produce what it was meant to prevent; it is practically certain to draw us into the war without either the rights or the effectiveness of belligerents. There is one choice we can not make, we are incapable of making: we will not choose the path of submission and suffer the most sacred rights of our nation and our people to be ignored or violated. The wrongs against which we now array ourselves are no common wrongs; they cut to the very roots of human life.

With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibility which it involves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the government and people of the United States; that it formally accept the status of belligerent which has thus been thrust upon it; and that it take immediate steps not only to put the country in a more thorough state of defense but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war.

What this will involve is clear. It will involve the utmost practicable coöperation in counsel and action with the governments now at war with Germany, and, as incident to that, the extension to those

Governments of the most liberal financial credits, in order that our resources may so far as possible be added to theirs. It will involve the organization and mobilization of all the material resources of the country to supply the materials of war and serve the incidental needs of the nation in the most abundant and yet the most economical and efficient way possible. It will involve the immediate full equipment of the navy in all respects but particularly in supplying it with the best means of dealing with the enemy's submarines. It will involve the immediate addition to the armed forces of the United States already provided for by law in case of war of at least five hundred thousand men, who should, in my opinion, be chosen upon the principle of universal liability to service, and also the authorization of subsequent additional increments of equal force so soon as they may be needed and can be handled in training. It will involve also, of course, the granting of adequate credits to the Government, sustained, I hope, so far as they can equitably be sustained by the present generation, by well conceived taxation.

I say sustained so far as may be equitable by taxation because it seems to me that it would be most unwise to base the credits which will now be necessary entirely on money borrowed. It is our duty, I most respectfully urge, to protect our people so far as we may against the very serious hardships and evils which would be likely to arise out of the inflation which would be produced by vast loans.

In carrying out the measures by which these things are to be accomplished we should keep constantly in mind the wisdom of interfering as little as possible in our own preparation and in the equipment of our own military forces with the duty—for it will be a very practical duty—of supplying the nations already at war with Germany with the materials which they can obtain only from us or by our assistance. They are in the field and we should help them in every way to be effective there.

I shall take the liberty of suggesting, through the several executive departments of the Government, for the consideration of your committees, measures for the accomplishment of the several objects I have mentioned. I hope that it will be your pleasure to deal with them as having been framed after very careful thought by the branch of the Government upon which the responsibility of conducting the war and safeguarding the nation will most directly fall.

While we do these things, these deeply momentous things, let us be very clear, and make very clear to all the world what our motives and our objects are. My own thought has not been driven from its habitual and normal course by the unhappy events of the last two months, and I do not believe that the thought of the nation has been altered or clouded by them. I have exactly the same things in mind now that I had in mind when I addressed the Senate on the twenty-second of January last; the same that I had in mind when I addressed

the Congress on the third of February and on the twenty-sixth of February. Our object now, as then, is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth ensure the observance of those principles. Neutrality is no longer feasible or desirable where the peace of the world is involved and the freedom of its peoples, and the menace to that peace and freedom lies in the existence of autocratic governments backed by organized force which is controlled wholly by their will, not by the will of their people. We have seen the last of neutrality in such circumstances. We are at the beginning of an age in which it will be insisted that the same standards of conduct and of responsibility for wrong done shall be observed among nations and their governments that are observed among the individual citizens of civilized states.

We have no quarrel with the German people. We have no feeling towards them but one of sympathy and friendship. It was not upon their impulse that their government acted in entering this war. It was not with their previous knowledge or approval. It was a war determined upon as wars used to be determined upon in the old, unhappy days when peoples were nowhere consulted by their rulers and wars were provoked and waged in the interest of dynasties or of little groups of ambitious men who were accustomed to use their fellow men as pawns and tools. Self-governed nations do not fill their neighbor states with spies or set the course of intrigue to bring about some critical posture of affairs which will give them an opportunity to strike and make conquest. Such designs can be successfully worked out only under cover and where no one has the right to ask questions. Cunningly contrived plans of deception or aggression, carried, it may be, from generation to generation, can be worked out and kept from the light only within the privacy of courts or behind the carefully guarded confidences of a narrow and privileged class. They are happily impossible where public opinion commands and insists upon full information concerning all the nation's affairs.

A steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic government could be trusted to keep faith within it or observe its covenants. It must be a league of honor, a partnership of opinion. Intrigue would eat its vitals away; the plottings of inner circles who could plan what they would and render account to no one would be a corruption seated at its very heart. Only free peoples can hold their purpose and their honor steady to a common end and prefer the interests of mankind to any narrow interest of their own.

Does not every American feel that assurance has been added to our hope for the future peace of the world by the wonderful and

heartening things that have been happening within the last few weeks in Russia? Russia was known by those who knew it best to have been always in fact democratic at heart, in all the vital habits of her thought, in all the intimate relationships of her people that spoke their natural instinct, their habitual attitude towards life. The autocracy that crowned the summit of her political structure, long as it had stood and terrible as was the reality of its power, was not in fact Russian in origin, character, or purpose; and now it has been shaken off and the great, generous Russian people have been added in all their naïve majesty and might to the forces that are fighting for freedom in the world, for justice, and for peace. Here is a fit partner for a League of Honor.

One of the things that has served to convince us that the Prussian autocracy was not and could never be our friend is that from the very outset of the present war it has filled our unsuspecting communities and even our offices of government with spies and set criminal intrigues everywhere afoot against our national unity of counsel, our peace within and without, our industries and our commerce. Indeed it is now evident that its spies were here even before the war began; and it is unhappily not a matter of conjecture but a fact proved in our courts of justice that the intrigues which have more than once come perilously near to disturbing the peace and dislocating the industries of the country have been carried on at the instigation, with the support, and even under the personal direction of official agents of the Imperial Government accredited to the Government of the United States. Even in checking these things and trying to extirpate them we have sought to put the most generous interpretation possible upon them because we knew that their source lay, not in any hostile feeling or purpose of the German people towards us (who were, no doubt, as ignorant of them as we ourselves were), but only in the selfish designs of a Government that did what it pleased and told its people nothing. But they have played their part in serving to convince us at last that that Government entertains no real friendship for us and means to act against our peace and security at its convenience. That it means to stir up enemies against us at our very doors the intercepted note to the German Minister at Mexico City is eloquent evidence.

We are accepting this challenge of hostile purpose because we know that in such a government, following such methods, we can never have a friend; and that in the presence of its organized power, always lying in wait to accomplish we know not what purpose, there can be no assured security for the democratic governments of the world. We are now about to accept gauge of battle with this natural foe to liberty and shall, if necessary, spend the whole force of the nation to check and nullify its pretensions and its power. We are glad, now that we see the facts with no veil of false pretense about them, to

fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included: for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve. We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them.

Just because we fight without rancor and without selfish object, seeking nothing for ourselves but what we shall wish to share with all free peoples, we shall, I feel confident, conduct our operations as belligerents without passion and ourselves observe with proud punctilio the principles of right and of fair play we profess to be fighting for.

I have said nothing of the governments allied with the Imperial Government of Germany because they have not made war upon us or challenged us to defend our right and our honor. The Austro-Hungarian Government has, indeed, avowed its unqualified endorsement and acceptance of the reckless and lawless submarine warfare adopted now without disguise by the Imperial German Government, and it has therefore not been possible for this Government to receive Count Tarnowski, the Ambassador recently accredited to this Government by the Imperial and Royal Government of Austria-Hungary; but that Government has not actually engaged in warfare against citizens of the United States on the seas, and I take the liberty, for the present at least, of postponing a discussion of our relations with the authorities at Vienna. We enter this war only where we are clearly forced into it because there are no other means of defending our rights.

It will be all the easier for us to conduct ourselves as belligerents in a high spirit of right and fairness because we act without animus, not in enmity towards a people or with the desire to bring any injury or disadvantage upon them, but only in armed opposition to an irresponsible government which has thrown aside all considerations of humanity and of right and is running amuck. We are, let me say again, the sincere friends of the German people, and shall desire nothing so much as the early reestablishment of intimate relations of mutual advantage between us,—however hard it may be for them, for the time being, to believe that this is spoken from our hearts. We have borne with their present government through all these bitter months because of that friendship,—exercising a patience and forbearance which would otherwise have been impossible. We shall, happily, still have an opportunity to prove that friendship in our daily

attitude and actions toward the millions of men and women of German birth and native sympathy who live amongst us and share our life, and we shall be proud to prove it toward all who are in fact loyal to their neighbors and to the Government in the hour of test. They are, most of them, as true and loyal Americans as if they had never known any other fealty or allegiance. They will be prompt to stand with us in rebuking and restraining the few who may be of a different mind and purpose. If there should be disloyalty, it will be dealt with with a firm hand of stern repression; but, if it lifts its head at all, it will lift it only here and there and without countenance except from a lawless and malignant few.

It is a distressing and oppressive duty, Gentlemen of the Congress, which I have performed in thus addressing you. There are, it may be, many months of fiery trial and sacrifice ahead of us. It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts,—for democracy, for the right of those who submit to authority to have voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other.



## PART XVI.

### SEVERANCE OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND AUSTRIA-HUNGARY.

*Ambassador Penfield to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
Vienna, February 1, 1917.

Following is text of note received from Minister for Foreign Affairs yesterday:

January thirty-first.

The undersigned Minister of the Imperial and Royal Household and of Foreign Affairs had the honor to receive the communication of the twenty-second instant in which His Excellency Frederic Courtland Penfield had the kindness to communicate the message which the President of the United States of America addressed to the American Senate on the same day.

The Imperial and Royal Government did not fail to subject to an attentive consideration the contents of this significant manifestation full of high moral earnestness. It does not fail to recognize the sublime aims which the President had in view, but before all else must point out that Mr. Wilson's desire to pave the way for a permanent peace appears even now frustrated through the rejection which the offer of peace by Austria-Hungary and its allies has experienced at the hand of the enemy.

In August, 1914, Austria-Hungary and its allies took up the struggle which was forced upon them. The consciousness that it was a question of time, defense of their existence and vital interests, gave them strength to withstand the numerical superiority of their enemies and to achieve successes which those of the adversary cannot approach. In thirty months of war these successes have been strengthened and increased. In the same measure in which the enemy's plans of conquest have come to naught, Austria-Hungary and its allies were able

to consider their purely defense aims as achieved. This moderate conception and the wish to avoid further useless bloodshed, led to the peace offer of the four allied powers. Their adversaries, blinded by the delusion that they can even yet give a favorable turn to the course of events and annihilate us, have bluntly rejected this offer. They have demanded terms for the conclusion of peace which would assume the complete overthrow of the four allied powers and annihilation for their aims.

God and the world are witness as to who bears the guilt for the continuation of the war. In view of the intention of the enemy to conquer the armies of Austria-Hungary and its allies, to destroy their fleets and starve their peoples, the struggle must take its course on land and sea with all, even the sharpest weapons. The increased use of all means of warfare alone makes a shortening of the war possible. The enemies have already been intent upon stopping the maritime traffic of Austria-Hungary and its allies and preventing all importation by these powers. As on the other seas so also in the Adriatic they have torpedoed without warning hospital ships such as the *Electra* and unarmed passenger steamers such as the *Dubrovnik*, the *Biokovo*, the *Daniel Ernoe* and the *Zagreb*. Austria-Hungary and its allies of their part will henceforth apply the same method in that they will cut off Great Britain, France and Italy from all maritime traffic and for the accomplishment of their purpose will from February 1, 1917, prevent by every means any navigation whatsoever within a definite closed area.

In the execution of this intention all maritime traffic within the closed areas around about Great Britain, France and Italy and in the Eastern Mediterranean, as below designated and shown upon the two inclosed charts, will from February first, 1917, be opposed without further ado with all weapons.

One. Closed area in the North: This area is bounded by line twenty sea miles distant along the coast of Holland to the Terschelling Lightship by the meridian of longitude of the Terschelling Lightship to Odsire, a line from there through the position sixty-two degrees north latitude zero degree longitude to sixty-two degrees north, five degrees west further to a point three sea miles south of southern extremity of the Faroe Islands, from there through a point sixty-two degrees north latitude, ten degrees west longitude, to sixty-one degrees north latitude, fifteen degrees west longitude, then fifty-seven degrees north latitude, twenty degrees west longitude, to forty-seven degrees latitude north, twenty degrees west longitude, further to forty-three degrees north latitude, fifteen degrees west longitude, then along the parallel of forty-three degrees north latitude to twenty sea miles from Cape Finistere and all a distance of twenty sea miles along the north coast of Spain to the French boundary.

Two. The Mediterranean is declared to be a war zone. There

remains open for neutral navigation the sea area west of the line Pt. de L'Espifuetti to thirty-eight degrees twenty minutes north latitude and six degrees east longitude, as well as north and west of a strip sixty sea miles broad along the north African coast beginning at two degrees west longitude.

To connect this area with Greece a strip twenty sea miles wide runs in a northerly or easterly direction along the following line:

Thirty-eight degrees north latitude and six degrees east longitude to thirty-eight degrees north latitude and ten degrees east longitude to thirty-seven degrees north latitude and eleven degrees thirty minutes east longitude to thirty-four degrees north latitude and eleven degrees thirty minutes east longitude to thirty-four degrees north latitude and twenty-two degrees thirty minutes east longitude; there runs from here a strip twenty miles wide to the westward of twenty-two degrees thirty minutes east longitude into the Greek territorial waters.

Neutrals' ships which navigate these areas do so at their own risk.

Although provision has been made to spare during a suitable period neutral ships which in making passage to ports within the closed areas have arrived in the vicinity thereof on February first yet it is urgently to be advised that they be warned by all available means and diverted elsewhere.

Neutral ships lying in ports on the closed areas can still leave these areas with the same security if they depart before the fifth of February and take the shortest course to free waters.

This decision has also been made by Austria-Hungary with the intention of shortening the struggle by effective means of warfare and approaching a peace for which it, as distinguished from its opponents, contemplates moderate conditions which are not guided by ideas of destruction now as hitherto animated by the intention that the ultimate aim of this war is not one of conquest but the free assured development of its own as well as of other states.

Sustained by the confidence in the proved valor and efficiency of their military and naval forces and steeled by the necessity to frustrate the destructive designs of the enemy, Austria-Hungary and its allies enter upon this forthcoming earnest phase of the struggle with bitter determination, but also with the certainty that it will lead to successes which will finally decide the struggle of years and thereby justify the sacrifice of wealth and blood.

In requesting His Excellency, the Ambassador of the United States of America, to be good enough to communicate the foregoing to the Government of the United States of America the undersigned avails himself, etcetera.

PENFIELD.

*The Secretary of State to Ambassador Penfield.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
Washington, February 14, 1917.

Mr. Lansing states that the Government of the United States, in a note dated December 6, 1915, concerning the attack on the vessel *Ancona*, the Austro-Hungarian Government's attention was called to the views of the United States Government on submarine operations in naval warfare which had been expressed in positive terms to Austria-Hungary's ally and of which it was presumed the Government of Austria-Hungary had full knowledge. The Austro-Hungarian Government in its reply of December 15, 1915, stated that it was not in possession of authentic knowledge of all of the pertinent correspondence of the Government of the United States nor was it the opinion of the Austro-Hungarian Government that such knowledge would suffice to cover the case of the vessel *Ancona*, which essentially differed in character from the cases under discussion with the German Government. Nevertheless, in its note of December 29, replying to the United States Government's note of December 19, 1915, the Austro-Hungarian Government stated ". . . as concerns the principle expressed in the very esteemed note that hostile private ships, in so far as they do not flee or offer resistance, may not be destroyed without the persons on board having been placed in safety, the Imperial and Royal Government is able substantially to assent to this view of the Washington Cabinet."

Moreover, the Government of Austria-Hungary in January, 1916, in the case of the vessel *Persia*, stated in effect that, while no information concerning the sinking of the vessel *Persia* had been received by the Austro-Hungarian Government yet, in case its responsibility was involved, the principles agreed to in the case of the *Ancona* would guide the Austro-Hungarian Government.

Within the period of one month thereafter the Austro-Hungarian Government, coincidently with the German Government's declaration of February 10, 1916, regarding the treatment of armed merchant vessels, announced that "All merchant vessels armed with cannon for whatever purpose, by this very fact lose the character of peaceable vessels," and that "Under these conditions orders have been given to Austro-Hungarian naval forces to treat such ships as belligerent vessels."

Conformable to this declaration a number of vessels having Americans on board have been sunk in the Mediterranean, presumably by submarines belonging to Austria-Hungary, some of which were torpedoed without warning by submarines flying the flag of Austria, as in the cases of the British vessels *Welsh Prince* and *Secondo*. Concerning these cases, so far no information has been elicited and no reply has been made to inquiries made through the American ambassador at Vienna.

The Austro-Hungarian Government announced to the Government of the United States on January 31, 1917, coincidently with the German declaration of submarine danger zones in waters washing the coasts of the countries of the Entente Powers, that Austria-Hungary and its allies would from the first of February "prevent by every means any navigation whatsoever within a definite closed area."

It seems fair to conclude from the foregoing that the pledge given in the case of the vessel *Ancona* and confirmed in the case of the vessel *Persia* is essentially the same as the pledge given in the Austro-Hungarian Government's note of May 4, 1916, viz.: "In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared as a naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance," and that the declarations of the Austro-Hungarian Government of February 10, 1916, and January 31, 1917, have modified this pledge to a greater or less extent. Therefore, in view of the uncertainty in regard to the interpretation to be placed upon those declarations and in particular this later declaration it is important that the Government of the United States be advised clearly and definitely of the attitude of the Government of Austria-Hungary concerning the prosecution of submarine warfare in these circumstances. Mr. Penfield is directed to present this matter orally to the Austrian Government and to inquire as to whether the pledge given in the cases of the vessels *Ancona* and *Persia* is to be interpreted as modified or withdrawn by the declarations of the 10th of February, 1916, and the 31st of January, 1917, and he may deliver to the Austrian Minister for Foreign Affairs a paraphrase of this instruction, leaving the quoted texts verbatim, if after his conversation such action seems advisable.

*Ambassador Penfield to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
Vienna, March 2, 1917.

Following is aide mémoire handed me by the Austro-Hungarian Government to-day:

From the aide mémoire of the American Embassy in Vienna of February 18, 1917, the Imperial and Royal Minister for Foreign Affairs understands that, in view of the declarations made by the Imperial and Royal Government on February 10, 1916, and January 31, 1917, the Washington Cabinet is in doubt as to the attitude which Austria-Hungary intends to adopt from now on in the conduct of the submarine warfare, and whether the assurance given by the Imperial and Royal Government to the Washington Cabinet in the course of negotiations in the cases of the ships *Ancona* and *Persia* has not perhaps been altered or withdrawn by the aforesaid declarations.

The Imperial and Royal Government is willingly ready to comply with the wish of the American Government that these doubts be removed by a definite and clear statement.

The Austro-Hungarian Government may be permitted, in the first place, in all brevity to discuss the methods practiced by the Entente Powers in the conduct of naval warfare, because these methods constitute the point of departure of the more severe submarine warfare put into operation by Austria-Hungary and her allies, and because thereby the attitude which the Imperial and Royal Government has so far adopted in the questions arising therefrom is elucidated.

When Great Britain entered into war against the Central Powers, only a few years had elapsed since that memorable time when she, in common with the other states, had, at The Hague, begun to lay down the fundamentals of a modern law of maritime warfare; soon thereafter the English Government had assembled in London representatives of the great naval powers to complete The Hague work, principally in the sense of an equitable settlement between the interests of belligerents and neutrals. The nations were not long to enjoy the unanticipated successes of these efforts, which accomplished nothing less than an agreement upon a code which was suitable to give validity to the principle of the freedom of the sea and the interests of neutrals even in time of war.

The United Kingdom had hardly decided to participate in the war before it began to break through the bounds placed upon it by the code of international law. While the Central Powers immediately at the beginning of the war had declared their intention of adhering to the Declaration of London, which also bore the signature of the

British delegate, England cast aside the most important provisions of this declaration. In the endeavor to cut the Central Powers off from importation by sea, Great Britain extended the list of contraband step by step until it included everything now required for supporting human life. Then Great Britain laid over the coasts of the North Sea, which also constitute an important transit gate for the sea commerce of Austria-Hungary, a closure which she designated as a "blockade" in order to prevent the entrance into Germany of all goods still lacking in the list of contraband, as well as to stop all sea traffic of neutrals with those coasts and to prevent all exportation whatsoever from them. That this closure stands in the most glaring contradiction to the traditional right of blockade established by international treaties has been pointed out by the President of the United States of America himself, in words which will continue to live in the history of international law. By the illegal hindrance of exportation from the Central Powers, Great Britain intended to bring to a standstill the countless factories and concerns which the industrious and highly developed peoples had created in the heart of Europe, and to bring their workmen to idleness and thus incite them to insurrection and revolt. And when Austria-Hungary's southern neighbor entered the ranks of the enemies of the Central Powers her first act, indeed following the example of her allies, was to declare a blockade of the entire coast of her enemy in disregard of the provisions of law in the creation of which Italy a short time previously had actively participated. Austria-Hungary did not fail at once to point out to the neutral powers that this blockade was void of all legal effectiveness.

The Central Powers have hesitated more than two years. Not until then, and after mature consideration of the pros and cons, did they resort to repaying like with like and pressing their opponents hard at sea. As the only ones of the belligerents who had done everything to assure the validity of the treaties which were intended to guarantee the freedom of the sea to the neutrals they bitterly felt the compulsion of the hour which forced them to violate this freedom; but they took the step in order to fulfill an imperative duty toward their peoples and with the conviction that it was adapted to bring about the ultimate victory of the freedom of seas. The declarations which they promulgated on the last day of January of this year were only apparently directed against the rights of the neutrals; in truth they serve the reestablishment of these rights which the enemies have incessantly violated and which they would destroy forever should they be victorious. Thus the submarines surrounding the coasts of England announce to the nations who have need of the sea—and who has not need of it?—that the day is no longer distant when the flags of all States will peacefully wave over the seas in the splendor of newly acquired freedom.

The hope may well be entertained that this announcement will find

response everywhere where neutral peoples live, and that it will be particularly understood by the great people of the United States of America, whose most competent representative has in the course of this war advocated in flaming words the freedom of the sea as the street of all nations. If the people and Government of the Union keep in mind that the "blockade" laid by Great Britain is calculated not only to subjugate the Central Powers by hunger but ultimately to bring the seas under her supremacy and in this way to establish her stewardship over all nations, while on the other hand the isolation of England and her allies only serves to make these powers amenable to a peace with honor and to guarantee to all nations the freedom of navigation and sea trade and thus an assured existence, the question as to which of the two belligerent parties has the right on its side is already decided. Although it is far from the intentions of the Central Powers to court allies in their struggle, they, however, believe that they may lay claim to the neutrals appreciating their endeavor to restore the principles of international law and equality of rights of nations in the interest of all.

In proceeding to answer the question asked in the above-mentioned aide mémoire of February eighteenth of this year, the Imperial and Royal Government desires first of all to remark that in the exchange of notes in the cases of the *Ancona* and *Persia* it had restricted itself to taking a position with respect to the concrete questions which had arisen on those occasions without setting forth its fundamental legal views. However, in the note of December twenty-ninth, nineteen fifteen, in the case of the *Ancona* is reserved to itself the right to discuss at a later date the difficult questions of international law connected with submarine warfare. In returning to this reservation and subjecting the question of the sinking of enemy ships alluded to in that aide mémoire to a short discussion, it is guided by the wish to show the American Government that it now as hitherto firmly adheres to the assurance given by it as well as by the endeavor to prevent misunderstandings between the Monarchy and the American Union by means of an elucidation of that question arising from submarine warfare, which is most important on account of its bearing upon the demands of humanity.

Above all the Imperial and Royal Government would wish to emphasize that also according to its view the principle established by the American Government and represented by it in several learned documents, that enemy merchant ships, except in cases of attempted flight or resistance, may not be destroyed without the safety of persons on board having been provided for, constitutes, so to say, the kernel of the entire matter. Considered from a higher standpoint, this principle can certainly be incorporated into a broader embodiment of ideas, and in this manner its sphere of application more precisely



delimited. From the demands of humanity, which the Imperial and Royal Government and the Washington Cabinet take in the same manner as a guiding rule, the more general principle may be deduced that in the execution of the right to destroy enemy merchant ships the loss of human life should be avoided in so far as this is in any way possible. A belligerent can do justice to this principle only by issuing a warning before the execution of the right. In this respect he can adopt the course pointed out by the said principle of the American Government, according to which the commanding officer of the man-of-war himself issues the warning to the vessel to be sunk in order that the crew and passengers can still at the last moment effect their safety; or the Government of a belligerent state can, if it recognizes this as an unavoidable necessity of war, issue the warning with full effect even before the departure of the ship which is to be sunk; or, finally, it can, in setting into operation a comprehensive measure for combating the enemy's sea trade, make use of a general warning intended for all enemy ships coming under consideration.

The American Government itself has recognized that the principle that the safety of persons on board is to be provided for undergoes exceptions. The Imperial and Royal Government believes that the destruction without warning is not merely admissible in case the ship flees or offers resistance. It appears to it, to give an example, that also the character of the ship itself must be taken into consideration: Merchant or other private ships which place themselves in the service of a belligerent as transport, dispatch ship or the like which carry military crews or armaments with which to commit hostilities of whatever character may indeed be destroyed without further ado according to existing laws. The Imperial and Royal Government need not recall the case in which a belligerent is freed from every consideration for human life when its opponent sinks enemy merchant ships without previous warning, as has occurred in the already repeatedly censured cases of the ships *Elektra*, *Dubrovnik*, *Zagreb*, etc., as notwithstanding its undeniable right in this respect it has never repaid like with like. In the whole course of the war Austro-Hungarian men-of-war have not destroyed a single enemy merchant ship without previous warning although such warning may have been general.

The oft-mentioned principle of the American Government also admits of several interpretations, particularly in so far as it leaves it questionable whether, as is asserted from many a quarter, only an armed resistance justifies the destruction of a ship with persons on board or a resistance of another character such as perhaps occurs when the crew intentionally fails to place the passengers in boats (*Ancona* case) or when the passengers themselves refuse to take to the boats. In the opinion of the Imperial and Royal Government the destruction of the warned ship without rescue of the persons on board

is also admissible in cases of the latter character, as otherwise it would lie in the hands of every passenger to nullify the right of sinking belonging to the belligerent. Furthermore, it may be pointed out that there is no unanimity as to cases in which the destruction of enemy merchant vessels is admissible.

In the opinion of the Imperial and Royal Government the obligation of issuing the warning immediately before the sinking of the ship leads on the one hand to asperities which might be avoided, but on the other hand it is also under circumstances adapted to prejudice the justified interests of the belligerents. In the first place it cannot be ignored that the rescue of persons at sea is almost always left to blind chance as only the choice remains either of taking them on board of the man-of-war which is exposed to every hostile influence or of exposing them to the danger of the elements in small boats and that it therefore far better complies with the principles of humanity to restrain the persons from making use of endangered ships by a timely issued warning; but, furthermore, the Imperial and Royal Government, despite mature examination of all the legal questions coming into consideration, could not be convinced that subjects of a neutral state possess a claim to travel unmolested on enemy ships.

The principle that neutrals even in time of war enjoy the advantages of the freedom of the sea obtains only for neutral ships, not also for neutral persons on board of enemy ships. For, as is known, belligerents are entitled to prevent enemy navigation as far as they are able. Possessing the requisite means of war, they may in doing so, if they consider it necessary for the attainment of their war aims, forbid enemy merchant ships the navigation of the sea at risk of immediate destruction provided they only previously announce their intention, in order that everyone whether enemy or neutral be enabled to avoid placing his life in jeopardy. But even should doubt arise as to the justification of such a procedure and the opponent perhaps threaten with retaliation, this would be an affair to be settled only between the belligerents who, as is recognized, are entitled to make the high sea a theater of their military enterprises, to prevent every disturbance of these enterprises and sovereignly decide what measures are to be adopted against enemy navigation. In such a case the neutrals have no other legitimate interest, and therefore no other legal claim, than that the belligerent give them timely notification of the prohibition directed against the enemy in order that they may avoid intrusting their persons or property to enemy ships.

The Imperial and Royal Government may therefore well assume that the Washington Cabinet agrees to the foregoing arguments which according to its firm conviction are incontestable, as a refutation of their correctness would without doubt be tantamount to—which surely does not accord with the views of the American Government—the neutrals being at liberty to meddle in the military

operations of the belligerents, indeed ultimately to set themselves as judges as to what means of war may be employed against the enemy. Also it would appear to be a glaring incongruity if a neutral government should, only for the purpose of enabling its subjects to travel on enemy ships while they could just as well and indeed with far greater safety use neutral ships, stay the arm of a belligerent power which is perhaps fighting for its existence. To say nothing of door and gate being opened to the most serious abuses if one would wish to compel a belligerent to lower his weapons before every neutral who felt inclined to make use of the enemy vessels on his business or pleasure voyages. There has never been the slightest doubt that neutral subjects must themselves bear all injuries sustained in consequence of entering a region on land where military operations are taking place. There is evidently no reason whatsoever for permitting another code to pertain for maritime warfare especially as the Second Peace Conference expressed the wish that pending a treaty regulation of maritime warfare the powers might apply to it as far as possible the existing law for land warfare.

In the sense of the foregoing the rule that the warning must be addressed to the ship itself which is to be sunk undergoes exceptions of various natures; under certain circumstances as in the cases of flight and resistance set forth by the American Government the ship may be sunk without any warning; in other cases a warning is necessary before the departure of the ship. The Imperial and Royal Government may therefore state that whatever position the Washington Cabinet may take with respect to the various questions here raised, particularly with reference to the protection against endangering neutrals, it is essentially of one mind with the American Government. But it has not contented itself in the course of the present war with converting the views represented by it into action but going still further has accommodated its conduct with scrupulous care to the principle set up by the Washington Cabinet although the assurance given by it had only been to the effect that "it is able to agree in substance to the views of the American Government." The Imperial and Royal Government would greet it with particular satisfaction if the Washington Cabinet should be inclined to support it in its endeavor which is borne by the warmest feelings of humanity to guard American citizens from dangers at sea by instructing and warning of its citizens.

As to the circular note verbale of February tenth, 1916, concerning the treatment of armed merchant ships the Imperial and Royal Government must certainly state that it, as is also intimated in the foregoing, is of the opinion that the arming of merchant vessels even only for purposes of defense against the execution of the right of capture is not founded on modern international law. According to every rule a man-of-war is obliged to meet an enemy merchant ves-

sel in a peaceable manner. She has to stop the vessel by means of prescribed signs, enter into communication with the captain, examine the ship's papers, take a protocol, and if necessary an inventory, etc. But the fulfillment of these duties presupposes that the man-of-war will possess entire certainty that the merchant ship will on its part meet her pacifically. However such a certainty doubtless does not exist if the merchant ship carries an armament sufficient to combat the man-of-war. A man-of-war, however, can hardly be expected to execute her office under the muzzles of hostile guns, be they brought on board for whatsoever purpose. Not to mention the fact that notwithstanding all contrary asserverations, merchant vessels of the Entente Powers as has been shown are provided with guns for offensive purposes and also make use of them for such purposes. It would also be ignoring the duties of humanity if the crews of men-of-war would be required to expose themselves to the weapons of the enemy without defending themselves. No state can estimate the duties of humanity towards the competent defenders of the fatherland lower than the duties towards citizens of foreign powers.

According to its conviction, the Imperial and Royal Government would therefore have been able to proceed from the fact that its promise given to the Washington Cabinet did not from the outset extend to armed merchant vessels since these according to existing laws, which restrict hostilities to the organized armed forces, are to be regarded as filibuster ships which are subject to summary destruction. As history teaches, it has according to universal international law never been admissible for merchant ships to resist the execution of the right of capture by men-of-war. But even if a provision of law to this effect could be produced it would not thereby be proven that the ships might provide themselves with arms. It is also to be taken into consideration that the arming of merchant ships must entirely transform maritime warfare and that this transformation cannot be in accord with the views of those who are endeavoring to enforce the principles of humanity in maritime warfare. In fact, since the abolition of privateering a few years ago no Government has even in the slightest degree thought of arming merchant vessels. In the entire course of the Second Peace Conference which concerned itself with all questions of the law of maritime warfare there was not a single word mentioned of arming merchant vessels. Only a single time and that in an incidental manner has there been an assertion which is of interest in this matter, and it is characteristic that it was a high British naval officer who frankly declared: (following in French) "When a man-of-war proposes to stop and visit a merchant vessel the commanding officer before lowering a boat will fire a gun. The firing of a gun is the best guarantee that can be given. Merchant vessels have no guns on board" (end French).

Nevertheless Austria-Hungary has also adhered to its promise in

this question; in the circular note verbale referred to, the neutrals were timely warned against intrusting their persons and goods to armed ships; also the announced measure was not put into operation immediately, but a delay was accorded in order to enable the neutrals to leave the armed ships upon which they had already embarked. Finally the Austro-Hungarian men-of-war have instructions even in case of encountering armed enemy merchant vessels to be mindful of issuing a warning and of saving the persons on board if this should be possible under the existing circumstances.

The statement of the American Embassy that the armed British steamers *Secondo* and *Welsh Prince* had been sunk by Austro-Hungarian submarines is based upon an error. The Imperial and Royal Government has in the meantime been informed that Austro-Hungarian men-of-war took no part in the sinking of these steamers.

In the same manner as in the oft-mentioned circular note verbale, the Imperial and Royal Government—and in this connection it returns to the question of the more severe submarine warfare discussed at the beginning of this aide mémoire—in establishing a proper term issued a warning addressed to the neutrals in its declaration of January 31st, of this year; indeed the entire declaration is essentially nothing else than a warning to the effect that no merchant ship may navigate the sea zones accurately defined in the declaration. Furthermore, Austro-Hungarian men-of-war are instructed to warn merchant vessels when possible even when encountered in these zones as well as to provide for the safety of crews and passengers. Indeed, the Imperial and Royal Government is in the possession of numerous reports that the crews and passengers of ships which have been destroyed in these zones have been rescued. The Imperial and Royal Government is however unable to accept a responsibility for the possible loss of human life which nevertheless may result from the destruction of armed ships or ships encountered in the closed zones. Moreover, it may be remarked that Austro-Hungarian submarines are operating only in the Adriatic and in the Mediterranean, and that therefore a prejudicing of American interests by Austro-Hungarian men-of-war is hardly to be feared.

After all that has been set forth at the beginning of this aide mémoire an assurance is not actually necessary that the closing of the sea zones designated in the declaration in no way serves the purpose of destroying or even endangering human life but that it, aside from the higher purpose of sparing mankind further suffering through a shortening of the war, is only designed to place in the same position of isolation Great Britain and her allies who without having laid an effective blockade over the coasts of the Central Powers are preventing sea traffic of the neutrals with these powers and through the pressure make the former amenable to a peace which brings with it the guarantee of durability. That Austria-Hungary hereby em-

employs other means of war than her opponents is chiefly due to circumstances over which man is given no power. The Imperial and Royal Government is however conscious that it has made all provisions lying within its power for the prevention of the loss of human life. It would most quickly and surely achieve this aim striven for in the isolation of the Western Powers if not a single human life should be lost or endangered in those sea zones.

In recapitulating the Imperial and Royal Government is able to state that the assurance which it gave the Washington Cabinet in the *Ancona* case and renewed in the *Persia* case has neither been withdrawn nor restricted by its declarations of February 10, 1916, and January 31, 1917. Within the boundary of this assurance it will in common with its allies henceforth do its utmost to soon restore the blessings of peace to the peoples of the world. If in the pursuit of this aim, in which it well knows it enjoys the entire sympathy of the Washington Cabinet, it finds itself compelled also to prevent neutral navigation in certain sea zones, it would not like, in order to justify this measure, to refer so much to the conduct of its adversaries, which appears to it far from worthy of imitation, as to the fact that Austria-Hungary has been placed in a position of self-defense by the stubbornness and hatefulness of her enemies who are bent upon her destruction for which history knows of no more typical example. As the Imperial and Royal Government finds exaltation in the consciousness that the struggle which Austria-Hungary is conducting serves not only the preservation of her vital interests but also the realization of the idea of equal rights of all states, it, in this last and most serious phase of the war, which as it deeply deplures also demands sacrifices from friends, attaches the greatest value to affirming by word and deed that the principles of humanity are illuminating its course in the same way as the demands of respect for the dignity and interests of the neutral peoples.

PENFIELD.

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*Chargé Grew to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
Vienna, April 8, 1917.

Minister for Foreign Affairs has just informed me that the diplomatic relations between the United States and Austria-Hungary are broken and has handed me passports for myself and the members of the Embassy. He states that we may leave the Monarchy at your con-

venience and that every possible courtesy will be extended. Am telegraphing Consuls to arrange their affairs and proceed to Vienna with a view to leaving for Switzerland if possible at end of week.

Following is translation of text of note handed me by Minister:

IMPERIAL AND ROYAL MINISTRY OF THE IMPERIAL AND ROYAL HOUSE  
AND OF FOREIGN AFFAIRS.

*Vienna, April 8, 1917.*

Since the United States of America has declared that a state of war exists between it and The Imperial German Government, Austria-Hungary, as ally of the German Empire, has decided to break off the diplomatic relations with the United States, and the Imperial and Royal Embassy in Washington has been instructed to inform the Department of State to that effect.

While regretting under these circumstances to see a termination of the personal relations which he has had the honor to hold with Chargé d'Affaires of the United States of America, the undersigned does not fail to place at the former's disposal herewith the passport for the departure from Austria-Hungary of himself and the other members of the Embassy.

At the same time the undersigned avails himself of the opportunity to renew to the Chargé d'Affaires the expression of his most perfect consideration.

CZERNIN.

To Mr. Joseph Clark Grew, Chargé d'Affaires of the United States of America.

GREW.

## PART XVII.

### DECLARATION OF WAR AGAINST AUSTRIA-HUNGARY.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES AT THE JOINT MEETING OF THE TWO HOUSES OF CONGRESS, DECEMBER 4, 1917.<sup>1</sup>

*Extract recommending declaration of a state of war with Austria-Hungary.*

What shall we do, then, to push this great war of freedom and justice to its righteous conclusion? We must clear away with a thorough hand all impediments to success and we must make every adjustment of law that will facilitate the full and free use of our whole capacity and force as a fighting unit.

One very embarrassing obstacle that stands in our way is that we are at war with Germany but not with her allies. I therefore very earnestly recommend that the Congress immediately declare the United States in a state of war with Austria-Hungary. Does it seem strange to you that this should be the conclusion of the argument I have just addressed to you? It is not. It is in fact the inevitable logic of what I have said. Austria-Hungary is for the time being not her own mistress but simply the vassal of the German Government. We must face the facts as they are and act upon them without sentiment in this stern business. The Government of Austria-Hungary is not acting upon its own initiative or in response to the wishes and feelings of its own peoples, but as the instrument of another nation. We must meet its force with our own and regard the Central Powers as but one. The war can be successfully conducted in no other way. The same logic would lead also to a declaration of war against Turkey and Bulgaria. They also are the tools of Germany. But they are mere tools and do not yet stand in the direct path of our necessary

<sup>1</sup> *Congressional Record*, December 4, 1917.



action. We shall go wherever the necessities of this war carry us, but it seems to me that we should go only where immediate and practical considerations lead us and not heed any others.

[PUBLIC RESOLUTION—No. 17—65TH CONGRESS.]

[S. J. Res. 111.]

Joint Resolution Declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provision to prosecute the same.

Whereas the Imperial and Royal Austro-Hungarian Government has committed repeated acts of war against the Government and the people of the United States of America; Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That a state of war is hereby declared to exist between the United States of America and the Imperial and Royal Austro-Hungarian Government; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial and Royal Austro-Hungarian Government; and to bring the conflict to a successful termination all the resources of the country are hereby pledged by the Congress of the United States.

Approved, December 7, 1917.

## PART XVIII.

### SEVERANCE OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND TURKEY.

*Secretary of Embassy Tarler to the Secretary of State.*

[Telegram.]

No. 2639.]

AMERICAN LEGATION,  
*Berne, April 20, 1917.*

The Imperial Government has to-day informed the Embassy that as the Government of the United States has declared itself to be in a state of war with Germany, the Ottoman Government's ally, it finds it necessary to rupture its diplomatic relations with the United States to-day. American interests have been confided to the Swedish Minister.

TARLER.

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*The Secretary of State to Ambassador Sharp.<sup>1</sup>*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, April 23, 1917.*

Turkey has severed relations with the United States. Suspend all activities in her behalf. Follow instructions outlined Department's telegram February fifth regarding German interests. Inform consuls.

LANSING.

<sup>1</sup> Same to London, Athens, Tokyo.



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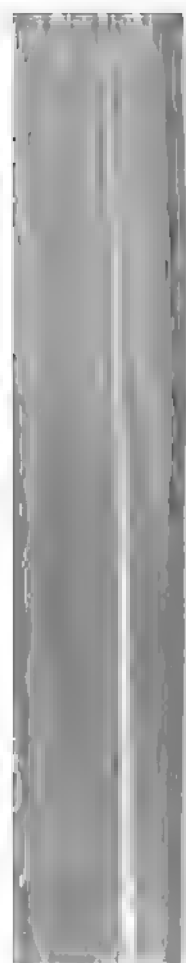


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